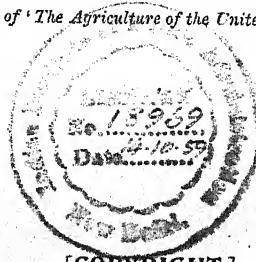


THE  
REVENUE ADMINISTRATION  
OF THE  
UNITED PROVINCES.

BY  
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INDIAN CIVIL SERVICE

*Author of 'The Agriculture of the United Provinces.'*



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## PREFACE.

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A few words may be said to explain the origin and scope of this book. Before the administration of the United Provinces had reached its present stage of development, the first duty of an officer appointed to assess (or, in technical language, to "settle") the land-revenue of a district was the organisation and supervision of a cadastral survey, carried out primarily to ascertain the area with which he had to deal and the various classes of land which it comprised. The successful management of a survey of this kind requires a certain degree of technical attainment, and, in order to provide this requirement, Government laid down the rule that all junior officers of the Indian Civil Service should undergo training in the methods of survey and of soil-classification, and arranged for training-classes in these subjects to be attached to the survey parties at work in the provinces.

As time went on the value of these classes diminished. In some cases the revenue assessments were carried out without a special cadastral survey, while in others the required survey was made by professional agency or at least under professional supervision ; and it was no longer necessary for the settlement officer to be a skilled surveyor, though it was still necessary that he should have a working knowledge of the methods of map-making. In 1904, therefore, it was decided at my suggestion to abandon the separate survey classes and to utilise part of the time so saved by placing junior officers under the orders of the Director of Land Records and Agriculture for training in the elements of survey, land-records, and connected branches of the revenue administration. Junior

officers in most cases experience some difficulty in grasping this—the most important of their functions—as a whole. It is easy to master the law and rules governing the subject, but it is not so easy to see the bearing of all the isolated proceedings that in the aggregate make up the administration ; and the drudgery of those portions of the work which alone can be performed by inexperienced officers is apt to produce a distaste for what may be as interesting as it is important. I have therefore included in the classes of the last few years a course of informal lectures on the principles and the development of the revenue administration of the provinces, and these lectures form the basis of the present work.

In the sections that follow, I have made free use of the technical terminology of the subject ; many of the things mentioned, and perhaps a few of the fundamental conceptions, have no equivalents in Western systems of administration, and consequently can be expressed in English only by arbitrary names or clumsy periphrases, while the vernacular terms are at any rate concise, and are not likely to be superseded within the next official generation. The glossary of these terms which is appended will, it is hoped, make the notes intelligible to students.

The book has been drawn up primarily for the use of junior officers of the Indian Civil Service, but I venture to hope that it may be found of some service in other branches of the administration. The machinery of Government is increasing in complexity, and there is no reason to suppose that the creation of separate departments for special work will not continue ; and it may do something to minimise the vicious tendency to "departmentalism" which seems inseparable from such specialisation, if officers will make themselves acquainted with the history and the working of the oldest branch of the administration. Lastly, I hope the book may be found of some benefit as a first introduction to the subject by the young men

of the educated classes who look forward to taking an increased share in the government of the country.

In the list of references I have indicated the books on which I have drawn most largely. I wish it were possible to indicate in detail my obligations to individual settlement reports ; I have had to read almost the whole series of these at one time or other in the course of my official duties, and much of what I have written has been assimilated in the process, but without preserving notes of the references. Like all other students of the period, I feel very strongly the need for more light on the methods of administration that prevailed in Hindu times. It is hopeless to expect that regular histories of this period will come to light, but probably much could be learned by a detailed study of inscriptions and of grants of land, and there is apparently a wide field for scholarly research in this direction.

I have to thank my friend Mr. R. Burn of the Indian Civil Service for much generous assistance in preparing this book. He very kindly read through the entire manuscript and his criticisms and suggestions have been most valuable.

W. H. M.

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## A FEW REFERENCES.

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Readers who wish to carry their studies further will find the following references useful :—

### Muhammadan Period.

ELLIOT'S *History of India as Told by its Own Historians* (Eight vols. of translation of contemporary annals.)

*Ain-i-Akbari.* (The best translation is that by Blochmann and Jarrett, issued by the Royal Asiatic Society of Bengal.)

### British Period.

BRIGGS: *On the Land Tax of India*, 1830. (This is a rare work : second-hand copies are occasionally procurable.)

*Selections from Revenue Records, N.-W. P.*, 1818-20. Calcutta, 1866.

*Selections from Revenue Records, N.-W. P.*, 1822-23. Allahabad, 1872.

*Selections from Revenue Records, N.-W. P.*, Allahabad, 1873. (Part II contains correspondence regarding Permanent Settlement, 1807, and Part III correspondence regarding Tenures, 1808.)

*Official Papers regarding the Permanent Settlement of the N.-W. P.*, Allahabad, 1869.

*Memorandum on Revision of Land Revenue Settlements in the N.-W. P.*, A.D. 1860-72. A. COLVIN, Secretary, Board of Revenue, N.-W. P., Calcutta, 1872.

*Permanent and Temporary Settlements, N.-W. P.* Allahabad, 1873.

*Memorandum on Settlement*, by R. M. BIRD.

*Memorandum upon Current Land Revenue Settlements*, E. STOCK. Calcutta, 1880.

*Selections from Government Records, N.-W. P. and Oudh.*

Papers relating to revision of settlements, etc. Allahabad 1887.

*Settlement Officers' Manual, N.-W. P.*, by V. A. SMITH. Allahabad, 1881.

*Sleeman's Tour in Oudh* (2 vols., 1858 : somewhat rare).

*The Oudh Gazetteer* (original edition, especially the preface).

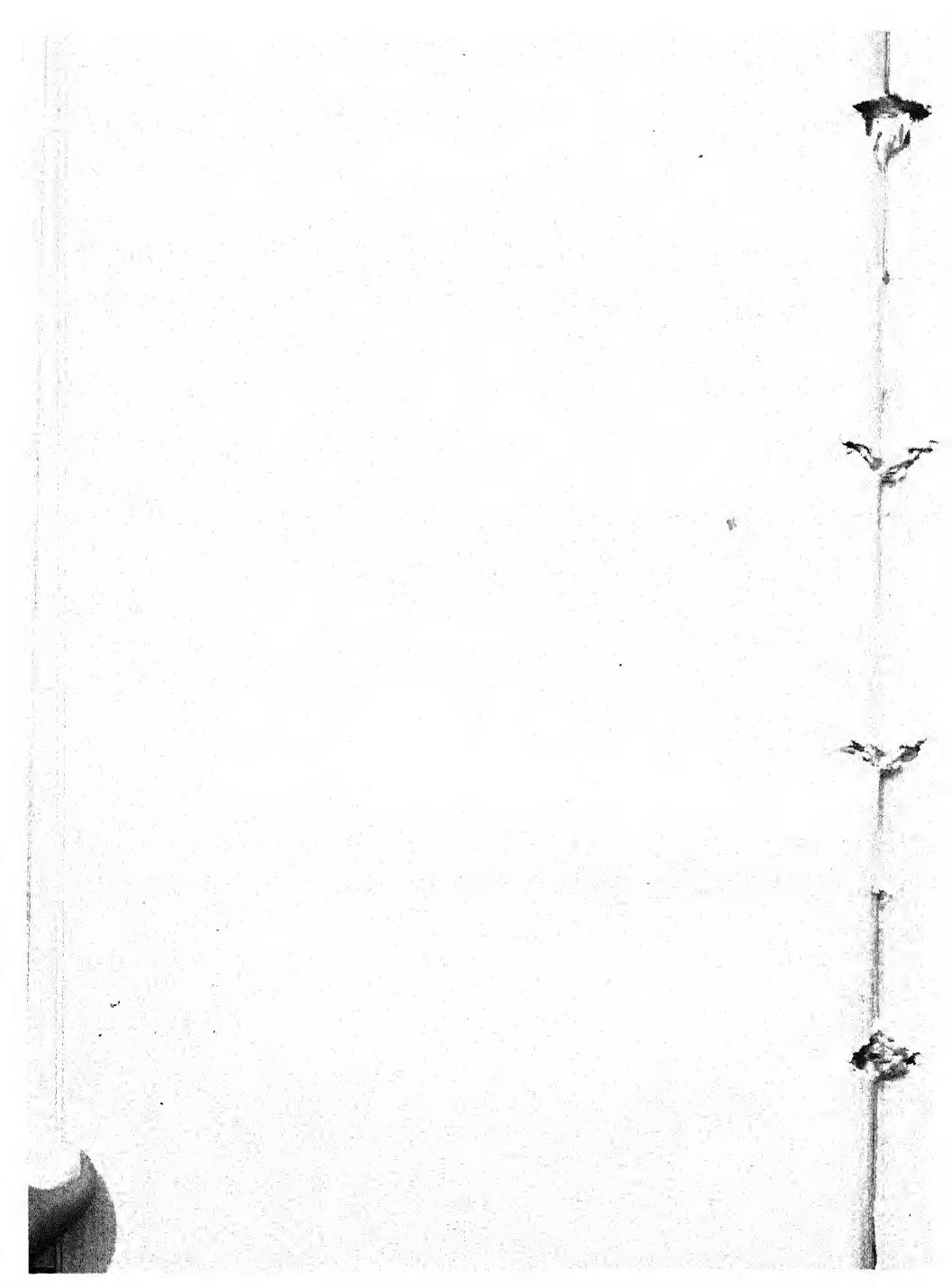
*The Garden of India*, H. C. IRWIN, 1880.

*The N.-W. P. Rent Act*, edited by H. F. HOUSE, 1893.

*The following dates are worth remembering :—*

- 1788. Commencement of British revenue administration in Benares.
- 1795. Regulation I made the settlement of Benares permanent.
- 1801. The 'ceded provinces' made over to the British. (These included the Gorakhpur and Rohilkhand divisions, the lower *duab* and some minor areas.)
- 1803. The 'conquered provinces' acquired. (These included the upper *duab* and parts of Bundelkhand.)
- 1816. Kumaun and Dehra Dun acquired by conquest.
- 1822. Regulation VII provided for an elaborate method of settlement.
- 1833. Regulation IX provided for revised methods.
- 1855. Issue of the Saharanpur settlement rules.
- 1856. Annexation of Oudh.
- 1859. Act X : The first regular tenancy law.
- 1868. Act XIX : The first Oudh Rent Act.
- 1869. Act I : Oudh Estates Act.
- 1873. Act XVIII : The N.-W. P. Rent Act.
- Act XIX : The N.-W. P. Revenue Act.

- 1876. Act XVIII: The Oudh Revenue Act.
- 1881. Act XII: The N.-W. P. Rent Act.
- 1886. Act XXXII: The Oudh Rent Act.
- 1901. U. P. Act II: The Agra Tenancy Act.  
U. P. Act III: The United Provinces Land  
Revenue Act.
- 1910. U. P. Act III: Amending Oudh Estates Act of  
1869.



## GLOSSARY.

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*Abadi*—The inhabited site of a village.

*Amin*—An official deputed for special local work : *Partition amin* is the official who carries out a partition : *Kurk amin* the official who sells distrained crops.

*Bagh*—A grove.

*Bahikhata*—Ledger. The account of grain rent kept by the patwari.

*Balpanchit*—Injury to cultivation by flood or deposit of sand. A term used in the Ballia district where tenants have a right to reduction of rent on this ground.

*Banjar*—Culturable land which has not been cultivated.

*Batai*—Division of produce between landholder and tenant.

*Bhaiyachara*—A form of proprietary tenure : see section XVI.

*Bigah*—The common unit of land measurement.

*Biswa*—One-twentieth of a bigah.

*Biswansi*—One-twentieth of a biswa.

*Bila lagan* } Land held by a cultivator on which the  
*Bila tasfiya lagan* } rent payable has not been settled.

*Chakurana*—Land held by a village servant as remuneration for his services.

*Dakhil-kharij*—Proceedings for the alteration of the khewat.

*Dastak*—A writ of demand, reminding a landholder that revenue is due from him.

*Dhur*—One-twentieth of biswa = biswansi.

*Jagir*—A grant of land to an officer of the State.

*Jalkar*—Rights of fishing.

*Jamabandi*—The patwari's record of village accounts.

*Jhil*—A lake or swamp.

*Jinspher*—Cash rents collected for particular crops on land that is ordinarily grain rented.

*Kichchha*—Literally 'raw.' See section IV for its technical meaning in revenue administration.

*Kanungo*—Officials in charge of patwaris.

*Kankut*—Determination of rent by estimation of the produce of the land.

*Karinda*—A landholder's agent.

*Katta (Cottah)*.—One-twentieth of a biswa = biswansi.

*Kham*—See *Kachcha*.

*Kham talsil*—Annulment of the settlement with a landholder.

*Khasra*—The patwari's field-book.

*Khatauni*—The patwari's record of cultivators' rights.

*Khewat*—The patwari's record of landholder's rights.

*Khudkasht*—Land cultivated by the landholder.

*Kist*.—An instalment of revenue or rent.

*Lambardar*—The representative of the land-holders of a mahal : see section XVII.

*Mahal*—A unit of revenue assessment : see section VI.

*Malikana*—Payments to persons whose claims to a share of the income of a *mahal* has been recognised but who have not been admitted to settlement for it.

*Matahatdar*—Under-proprietors in Oudh : see section XVI.

*Muafi*—Land given free of rent, or revenue.

*Mukaddum*—A representative of the cultivators of a village.

*Nijjot*—*Khudkasht*.

*Pakka*—The reverse of *kachchha*, which see.

*Parjot*—Ground rent paid by persons other than cultivators living in a village.

*Parti*—Fallow land : *Parti jadid* is land which has been fallow for not more than three years : after three years it is *parti kadim*.

*Patti*—A division of a *mahal*: *Pattidar* is a landholder having part of a *mahal*: *Pattidari* is the form of tenure in which several landholders have separate possession in a *mahal*.

*Patwari*—The village accountant.

*Pukhta*—See *Pakka*. *Pukhtadar* is a subsettlement-holder in Oudh.

*Samjhauta*—Settlement of accounts among the *pattidars* of a *mahal*.

*Sazawal*—A rent-collector.

*Shahna*—A watcher put over crops distrained on for rent or revenue.

*Shamilat*—Property common to two or more *pattis* of a *mahal*.

*Siaha*—The patwari's cash-account of a *mahal*.

*Sir*—Land held by a landholder with special privileges: see section XVIII.

*Siwai*—Miscellaneous income of a *mahal*.

*Tahsildar*—The officer who collects revenue.

*Takavi*—State loans for agricultural purposes.

*Talukdar*—In Oudh a landholder with special privileges. In Agra usually a superior proprietor, but sometimes an inferior proprietor.

*Taraf*—A division of a *mahal*.

*Tarmim jamabandi*—Proceedings for correcting the record of cultivators' rights.

*Thekadar*—A lessee of landholder's rights.

*Thok*—A division of a *mahal*, usually containing two or more *pattis*.

*Usar*—Barren land.

*Wajibularz*—The record of village-customs prepared at the earlier settlements.

*Zabti*—Cash rents taken for particular crops from land that is ordinarily grain rented.

*Zamindar*—Landholder.

*Zamindari*—The form of tenure in which a *mahal* is held either by an individual (*zamindari wahid*) or by a group who manage it as an undivided unit (*zamindari bil-ijmal*).

*Zer-ab*—Land covered by water.

## I.—INTRODUCTORY REMARKS.

The revenue administration of an Indian province is distinguished from that of most other countries by its extent and its complexity. In England, for instance, the public functions of the revenue officers are practically limited to (1) the *assessment*, and (2) the *collection*, of those kinds of revenue which they administer ; that is to say, when Parliament has laid down the principles on which the revenue is to be collected, the revenue officers have first to ascertain what persons are liable to pay what sums (*assessment*), and second to make those persons pay (*collection*). These functions of assessment and collection are naturally prominent in India also ; in the United Provinces the assessment of the land-revenue is called "settlement," and is usually entrusted to a special officer termed the Settlement Officer ; while the collection of the revenue is carried out by the tahsildars under the supervision of the chief revenue officer of the district, whose title of Collector emphasises the importance of his duties in this direction. But in addition to these primary functions the revenue officers are found exercising their activity in numerous directions : they maintain records of the rights of landlords and tenants, and decide most of the disputes between these classes which would in other countries come before the civil courts<sup>1</sup> ; they fix the rents

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<sup>1</sup> The distinction between civil and criminal courts will be familiar to all readers. In England these two classes between them deal with practically the whole mass of litigation, but in some parts of India a portion of the civil litigation is excluded by law from the cognisance of the ordinary civil courts and is made over to the revenue officers for disposal. In the United Provinces limitations on the powers of the civil courts are imposed by section 233 of the Land Revenue Act, section 167 of the Agra Tenancy Act, and section 108 of

payable by the tenants of a large proportion of the agricultural land of the province ; they collect and discuss very elaborate agricultural statistics ; they interest themselves in all questions of agricultural improvement, and in particular lend money for agricultural purposes on a very large scale ; they are closely concerned with the development of irrigation ; they administer the state lands and act as a court of wards ; and in times of scarcity they are the main organisers of relief for the unemployed and the destitute. The assumption of these multifarious functions is not the result of the whims of an over-active bureaucracy, plunging into state-socialism in the attempt to magnify its own importance. I hope these chapters will be found to show that the development of such activities has followed necessarily from the revenue-system indigenous to the country and adopted first by the Mohammedan and then by the English Empire, with only such changes as were necessary to fit it to the changing political and economic circumstances of the country and of the world in general.

In all matters then affecting the land, the revenue department has a much wider field of activity in India than in England. On the other hand, its interest in taxes, in the strict sense of the term, is comparatively slight. The English revenue officer, at least until the last year or two, has been concerned mainly with customs, excise, income tax, death duties, and various licences : customs are naturally not collected in an inland province of India ; death duties do not exist in the country, and licences are used more as a means of registration and control<sup>1</sup> than as a source of income to the

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the Oudh Rent Act ; and cases between landlords and tenants are dealt with by revenue officers, which would, in most other countries, and even in the adjoining province of Bengal, come before the ordinary civil courts. The position is somewhat similar in Ireland where the fixing of judicial rents under the Act of 1881 was entrusted to special commissioners.

<sup>1</sup> That is, in relation to such things as arms, poisons, petrol etc.

State. The revenue department in the United Provinces is responsible for the assessment and collection of the income tax, and has some share in the administration of the excise, but these matters occupy a small portion of the time compared with what is devoted to the land-revenue ; in fact the term "revenue" is used popularly in the sense of land-revenue, and this is the sense in which it is used in this book, which will not refer further to any sources of revenue except the land.

In order to obtain a clear view of the revenue administration, the first great essential is to realise that it is a gradual development : the land-revenue was not imposed by the English, nor by their fore-runners, the Mughals : the principle that the cultivator of the soil should provide for the greater part of the expenses of Government seems to have been followed in India from the earliest times, and to have been common to, at least, large portions of Asia ; and successive Indian Governments have been careful to maintain the principle while introducing changes in the machinery of assessment and collection. These changes have of course been great, and their practical effect has been to transform the primitive system of tithes, (that is, payment in kind of a share of the produce of the land,) into a method of retaining for the community a larger proportion of the unearned increment of the land than has hitherto been secured by the most advanced democratic states of the Western world. The orthodox economists of the nineteenth century were usually in accord in looking on this unearned increment as an ideal source of revenue if only a tax on it could be imposed without injustice to existing owners, while a later school of thought is inclined to minimise this injustice in view of the advantages of the tax when in working order ; the Indian system—almost alone—has succeeded in avoiding the initial injustice, simply because the principle has always been in force.

Before attempting to trace the growth of this system, it is perhaps convenient to try to realise the position of the first English rulers of the country in regard to the assessment and collection of revenue. They took charge of the country at a time when the central government elaborated by the Mughals had almost ceased to exist—submerged in the flood of lawlessness that prevailed in the eighteenth century—and their first concern was necessarily to collect enough revenue to pay the expenses of bringing order out of the chaos that confronted them. It was no time to sit down and devise a new system of revenue: the immediate problem was to get in enough money to meet the current needs of the administration and the demands of the East India Company, and the simplest way to do this was to bring the old machinery of the country into some sort of working order. Now it was known that preceding rulers had drawn most of their income from the land, and the new rulers had to do the same, but the data for a fair assessment were almost wholly wanting; in other words, no one knew either how much should be demanded, or who should pay it. The position was difficult, and we need not be surprised if in revenue matters, as in law, English officers looked to English experience to throw light on their difficulties. At the time of which we are writing, the originally complex land tenures of England had so far developed that the conception of individual ownership was definitely established: every bit of English land must have a definite owner, as surely as every portion of matter has a centre of gravity, and the only question that could arise in England would be, who is the owner? Again, the English land tax of those days was a fixed sum payable by the owner of the land; and the first English revenue officers in India set to work to find out who was the owner of each portion of land, and how much he ought to pay. But neither question was easy to answer: the revenue officers of recent administrations had taken as much as they

could get, and the people had paid as little as possible, so that the old standards of assessment, though they were known in theory, had for all practical purposes disappeared; while as regards ownership the chaos seemed even more complete. One fact that emerged was that the persons who paid revenue were known as zamindars, and it was natural for English officers to conclude that the zamindars were the land-owners, and in fact they were treated as such. But the term had really a different meaning, and indicated primarily the person who undertook to pay the revenue. How different this might be from the owner in the English sense will be apparent from the following quotation from one of the earliest critical writers on the subject, dealing with the state of affairs in the larger portion of what is now the Province of Agra:—

“ Some of the villages were in charge of village-zamindars, the chief of a copartnery of cultivators. There were also chiefs who governed several villages and bore the title of rajas. The latter stood more in the relation of tributaries than subjects, being accustomed to exercise functions little short of regal within their petty principalities. The Mohammedans termed all Hindoos possessing lands Zamindars, and it is owing to this circumstance that the word occasions so much confusion when we meet with it in public records. Thus we find the hereditary descendant of a line of princes, the feudal Thakoor or Baron, the district collector, the farmer of the revenue, the elderman or mocuddum of the village, and the member of the village copartnery, each styled zamindar though they have their distinct and special rights.”—(Briggs: *The Land Tax in India*, p. 195.)

Put shortly, it may be said that the early English officers found zamindars and left landowners (subject always to liability to pay the revenue). We shall see later on that the question *Who owns the land?* was the subject of recurring and embittered controversy; my object in mentioning this matter at so early a

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stage is to emphasise the fact—on the realisation of which depends a clear understanding of the development of the revenue system—that zamindars were not necessarily owners of the land on which they paid revenue, and that it is necessary to get some idea of how they came into existence and gradually gained their present position.

## II.—HISTORICAL: EARLY CONDITIONS.

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We have seen in the preceding section that the first English administrators naturally looked for landowners from whom they might collect the revenue. If, however, we study the earliest available records of Hindu times, and consider the present position in those parts of the country which have not come under English administration or been largely influenced by its example, the most probable view seems to be that the whole conception of individual ownership of land is foreign to the original Hindu polity. We do not find any trace of landowners and tenants : what we do find is a body of cultivators on the one hand, and the King (Raja) on the other, with reciprocal rights and duties clearly laid down in the texts and recognised in practice. The cultivators tilled the soil, and harvest by harvest delivered a share of the produce in kind to their Raja, and the Raja in return protected the cultivators, to whom he owed duties that are defined in the texts in considerable detail.

A state organised on these lines is such an unfamiliar conception that it may be worth while to pause, and, in the absence of any historical records on the subject, indulge in a little conjecture as to the conditions of its successful working. In the first place it seems probable that each such state must have been almost self-sufficing ; that is to say, that the cultivators produced enough food and clothing for the needs of the state and also some valuable products to exchange for commodities, such as metals, which had to be bought from outside. This was almost certainly the case in Upper India before the first Mohammedan conquests, because it was substantially true until the development of river-navigation first made it economically

possible to transport bulky goods to any considerable distance. The state would thus produce the ordinary food-grains as well as some sugar and some cotton,<sup>1</sup> with enough oilseeds to give oil for cooking and burning, hemp or some other fibre for ropes, and a few other minor necessities and, in addition, there would be some produce of sufficiently high value to bear the cost of transport, probably dye-stuffs, drugs or spices—the kind of merchandise<sup>2</sup> in fact for which the Indies were first sought by traders from the West.

Again, it is probable that the land was much less crowded than is now the case. The polity which we are considering seems to leave no room for a large body of landless labourers though it is possible that there were numerous slaves not considered worthy of mention, nor does it indicate the existence of competition for land. The texts, too, suggest that grazing grounds and open forests were a normal feature of agricultural life, and not as at present a rare exception. It will be obvious that if there was land enough and to spare, cultivating rights as we call them would be of little importance, just as they are now held in small esteem in parts of Bundelkhand and in the Tarai where land can always be had ; and it is quite possible that at certain times cultivation was a duty rather than a right, that is to say, that the cultivator was bound to till his holding in order that the revenue of the state might not be reduced.<sup>3</sup>

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<sup>1</sup> There is abundant evidence that sugar-cane and cotton were formerly grown in parts of the Provinces from which they have now almost disappeared ; the development of communications has made it economically advantageous for districts to specialise in what they can grow to most advantage, and so cotton has almost been eliminated from Benares and sugar-cane from Bundelkhand.

<sup>2</sup> Apart of course from gems and the precious metals which were yielded by other parts of India.

<sup>3</sup> I am told that something of this kind may actually be found at the present day in thinly-populated portions of certain Central Indian States, where a cultivator who does not till a reasonable area soon gets into trouble with the local officials. Perhaps there is a

Again, and it is an important point, such a polity seems possible only in states of small or moderate size ; the organisation of a system for realising and disposing of large quantities of agricultural produce over an extensive empire is scarcely conceivable in the conditions that prevailed as regards trade and transport. There seems to be nothing on record to show how the great Hindu empires that rose from time to time transacted this part of their financial business ; but the fact that local Rajas survived throughout these empires, and in some cases right through the Mohammedan period, suggests that these empires did not obliterate the smaller states, but probably governed largely through the Rajas and claimed a share of their revenue. The inference that the states with this organisation must have been small receives confirmation from the difficulties in revenue administration which beset the early Mohammedan empires.

Now it will be obvious that in a small state, organised on these lines, the cultivator was the zamindar, that is, the person whose duty it was to pay revenue to the state, and that when the cultivators had paid their revenue the balance of the produce belonged to themselves. It would not be correct to say that each cultivator owned all his produce, for portions of it were set aside (as is still the case) for various village-servants, but if we regard these servants as part of the cultivating community, then it is fair to say that in the earliest Hindu polity which we can trace there were only two sharers in the produce of the land, the cultivating community and the state ; while, as we have seen above, when the English assumed control of the country there were not two sharers but three—cultivators, zamindars and the state. We will now attempt to show how this third or intermediate class came into existence.

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suggestion of a similar economic condition in the provision of the Oudh Rent Act which permits ejection from a grain-rented holding if the cultivator tills less than "local custom" requires. (Section 62, Act XXII of 1886.)

### III.—HISTORICAL : TO ALAUDDIN.

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In dealing with the development of any Indian institution, it is necessary to remember that there are absolutely no historical accounts of what happened before the Mohammedan invasion, while most of the Mohammedan annalists deal only with the externals of history—dynasties, wars, and rebellions—and throw little light on the social and political development of the people. Thus for the Hindu period there are no sources to which we can look for information on the development of a class of intermediaries between the state and the cultivator. If there be any truth in the conjecture hazarded above that the great Hindu empires imposed themselves above the smaller existing states, then the change may be described as the temporary conversion of rajas into zamindars : the raja continued to collect revenue from the cultivators and paid a portion of it to the Maharaja or Emperor who had imposed his domination ; he was thus the intermediary between the cultivator and the state, and may be looked on as a zamindar, while the portion of revenue he retained for himself was of the nature of rent. The conversion was only temporary, because on the collapse of the larger empires (which appears to have been merely a matter of time), the smaller states remained more or less intact and resumed their independence until subjugated by a new power. There is little or no evidence to show that intermediaries of other classes came into existence during the earlier period : it may be conjectured that the processes we shall see at work in the Mohammedan empires were not unknown at an earlier stage, that recalcitrant rajas were occasionally extirpated, and that officers of the

empire <sup>1</sup> had opportunities of establishing themselves in a position that made for ultimate independence: but this is conjecture only, and we may pass to the Mohammedan period where it is possible to collect a certain amount of information as to what actually happened.

We have said above that most of the Mohammedan annalists pass over the social and political condition of the people as matters with which they had no concern: but there are occasional hints to be found in their writings, and there are two documents of the greatest importance for our present purpose, which should be studied in detail by any one who wishes to get a view at first hand of the conditions that prevailed. The first is a memoir <sup>2</sup> of Alauddin Khilji, prepared by Al-Barni (a resident of Baran or Bulandshahr), which gives an account of the empire about the year 1300; the second is the well-known *Ain-i-Akbari*, <sup>3</sup> which describes the rule of Akbar two and half to three centuries later.

The most general impression to be derived from these authorities is that the new rulers interfered as little as possible with the social organisation of the country. Certainly they accepted the principle <sup>4</sup> that the cultivators should pay a share of their produce towards the expenses of Government, though, as will be seen later on, some of them increased the share considerably and levied various taxes in addition. Stubborn rajas had of course to be extirpated, but apparently those who accepted the new order of things, after not more than a

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<sup>1</sup> Inscriptions of the Gupta period show, as my friend Mr. Burn reminds me, that there was already a well organised bureaucracy in that period.

<sup>2</sup> The memoir is translated in Vol. III of Elliot's *History of India, as told by its Own Historians*.

<sup>3</sup> The translation I have used is that by Blochmann and Jarrett.

<sup>4</sup> Marco Polo may be quoted as an external authority to show that the Mughal invaders were accustomed to the working of a similar principle in their homes in Central Asia.

reasonable amount of the resistance which the annalists term rebellion, found a place within the empire and remained in positions varying from that of feudatory chief to that of zamindar.

But Al-Barni shows clearly that by the time of which he wrote the conditions of a large empire had materially altered the methods of the revenue administration. For one thing, it is clear that the revenue was already largely paid in money instead of in kind, so much so that the Emperor issued orders for collections to be made in kind, so as to prevent the entire loss of supplies for the court and the army from this convenient source. For another, the practice of assigning the revenue for specific purposes, which is one of the outstanding causes of the financial collapse of successive empires, was already well established. The superior officers of the state all held military commands and were remunerated for their services not by cash salaries but by the grant of lands (*jagir*) from which they were entitled to collect the revenue; similar grants were made for other purposes, such as religious endowments; and it is easy to understand that in a court of oriental profusion a large share of the revenue of the Empire would eventually be dissipated in this way. Fortunately for the state such grants were not (as they now are) irrevocable, and Al-Barni tells us (with a slight hint of bitterness beneath his language of official eulogy) that Alauddin "by one stroke of the pen" resumed practically all the pensions, grants of land and endowments in the country.

But what is really the most significant of the facts mentioned by Al-Barni is the existence of a localised revenue administration. It may seem obvious that with an empire of large extent it would be impossible for the central treasury to deal direct with all the revenue-payers, and that collectors would have to be stationed at convenient centres throughout

the country : but the fact is significant because there is no doubt that in time this organised bureaucracy came to furnish a considerable proportion of those intermediaries between the state and the cultivator, whom the English found as zamindars and who eventually secured a right of property in the land. That there was already a well-organised bureaucracy about 1300 A. D. is clear from the fact that there were already organised abuses in the department : and Al-Barni tells us how a certain naib-wazir so vigorously enforced his demands and exactions against the collectors and other revenue officers that every single *jital* (a small coin) against their names was ascertained from the books of the patwaris.<sup>1</sup> The reform then effected seems to have been drastic, for the writer adds : " Men looked upon revenue officers as something worse than fever. Clerkship was a great crime, and no man would give his daughter to a clerk. Death was deemed preferable to revenue employment."

We see then that by 1300 A. D., the original revenue system had so far changed that there was a considerable administrative service scattered over the country, assessing the revenue and collecting it partly in cash and partly in kind, and accounting for collections when compelled to do so by the central government, which, on its part, was ready enough to alienate its resources in favour of individuals. It is not clear who actually paid the revenue to the collectors at this period, but so far as can be gathered the payments were made, to a great extent, by some sort of representatives acting on behalf of the cultivators of a village ; in some cases these would be leaders among the cultivators themselves, while in others they would probably be the raja who formerly received the revenue on his own account ;

<sup>1</sup> This is the earliest mention I have found of the patwari, or village accountant ; but he must clearly have been an old institution even in those days if his records could be used to establish the misconduct of the superior bureaucracy.

and in either case, as we shall see later on, there were the rudiments of the zamindari system.

Al-Barni is, unfortunately, not very explicit on one important point—the method of calculating the revenue. Under the original system, the actual produce was divided at harvest-time, and the primary functions of the revenue administration were limited to seeing that the division was properly made and that the share of the state was duly stored and disposed of. But it does not seem possible that this process should have continued over a large area with all the crops ripening simultaneously, and probably the practice was early introduced of estimating what the revenue should be. Any such estimate must be based on an accurate knowledge of the area sown ; when the area is known, the share of the produce due to the state can be estimated more or less accurately, either by a consideration of the state of the ripening crops or by taking an average value over a term of years. Al-Barni says that under Alauddin all forms of cultivation were to be carried on by measurement at a certain rate per unit of area ; he does not show how the rate was calculated, but it is clear that a principal part of the revenue administration was to find out the area cultivated in each year, and to determine the revenue accordingly. We need not be surprised that a system of this kind gave rise to irregularities on the part of the local officers, which could probably have been checked only by a larger amount of centralised control than circumstances rendered possible, and it is not unfair to assume that then, as later, the local officers accumulated profits gradually, and were from time to time stripped of so much as the central treasury could lay its hands on ; in fact that the administration resembled that of most oriental countries with whose methods we are familiar.

#### IV.—HISTORICAL : AKBAR AND AFTER.

There is nothing to show that any important modification took place in the revenue administration between the time of Alauddin and the reforms begun in the sixteenth century by Sher Shah, and completed by Akbar; but it must be remembered that its effectiveness varied with the efficiency of the central government, and during these centuries that was a very variable factor indeed. It is not unfair to assume that during the periods of inefficiency at the centre, the local officials and the superseded rajas alike increased in importance, and that the former class was ready to "stand in" with the cultivators to the extent of sharing with them a certain portion of the dues of the state; and it is quite safe to say that the theoretical amount of the revenue must have been greatly diminished by the reduction of cultivation which necessarily resulted from the state of war and anarchy that prevailed so frequently. So much at least is certain that Sher Shah found the revenue administration very unsatisfactory both in tradition and in practice, and introduced drastic reforms, which were developed and extended under Akbar into a remarkably complete and effective organisation. On one side, this organisation took the shape of supervision by the central government to an extent that can scarcely be realised, and that (as later experience showed) could not be effectively maintained except by the personal devotion of the head of the state.<sup>1</sup> The details of this new bureaucratic organisation need not detain us: their

<sup>1</sup> According to the *Ain-i-Akbari*, Akbar worked for even longer hours than most constitutional monarchs of the present period and he gave much of his time to the minutest details of the administration.

essence consisted in a sort of systematised espionage under which the central government received independent information of the conduct of its local officers, and so kept a close and vigilant watch on everything that was done. On the other side, there was a statistical survey of the resources and capacity of the empire, on the basis of which the revenue rates were fixed for a term of years (at first for three years, but afterwards for longer periods), and thus the opportunities were diminished, both of mistakes in assessment due to ignorance, and of fraudulent collusion with the revenue-payers. The land was surveyed, and was divided into three classes, according to its productive capacity : the average produce of each crop was determined for each class of soil in each province, and the Government share was calculated on these data. The amount thus ascertained had to be accounted for year by year by the local officials, much as collectors have now to account to the Board of Revenue for the collection of the revenue "borne on the roll."<sup>1</sup>

Akbar's statement of the revenue then was based—so far as we know for the first time—on a wide foundation of ascertained fact, and thus resembles the later settlements effected under British rule. In some details, too, it is curiously modern, or it is more correct to say that various administrative needs were already appreciated to a surprising extent. Thus there were elaborate rules for encouraging the extension of cultivation, and instructions were issued for the protection and assistance of cultivators : the following extracts showing the spirit in which revenue officers were expected to approach their duties are by no means out of date :—

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<sup>1</sup> The administrative sections of the *Ain-i-Akbari* are almost as full of statistics as a modern bureaucrat could desire. What is perhaps more striking is that the estimates of produce contain strong internal evidence of their truth, or at least they approximate closely to the probabilities of each case. The following portion of a statement will show the amount of detail in which our bureaucratic predecessors indulged :—

"The collector of the revenue should be a friend of the agriculturist. Zeal and truthfulness should be his rule of conduct. He should consider himself the representative of the lord paramount and establish himself where every one may have easy access to him without the intervention of a mediator.....He should assist the needy husbandman with advances of money and recover them gradually. And when through the exertions of the village headman the full rental is received he should reward him according to the measure of his service.....The agricultural value of land varies in different districts and certain soils are adapted to certain crops. He should deal differently therefore with each agriculturist and take his case into consideration. Let him increase the facilities of the husbandman year by year, and under the pledge of his engagements take nothing beyond the actual area under tillage.....He should collect the revenue in an amicable manner and extend not the hand of demand out of season. He should stipulate that the husbandman bring his rents himself

*Spring Harvest of the Subah of Oudh.*

	Suburban pargana.	Ibrahim- abad, &c.	Kishnui, &c.	Bharaitch &c.	Fizora- bad, &c.	Kharan- sah, &c.
	D. J.	D. J.	D. J.	D. J.	D. J.	D. J.
Wheat ... ...	54 20	62 15	58 4	54 20	55 23	55 20
Indian vetches (gram).	34 17	39 3	39 3	33 14	32 11	33 14
Barley ... ...	39 3	45 21	42 12	38 0	35 20	38 0
Onions ... ...	78 0	80 18	79 10	78 7	78 7	78 7
Fenugreek ... ...	55 22	54 20	58 4	58 4	78 20	...
Cumin seed ... ...	79 15	61 12	...	...	...	...
Coriander seed ... ...		150 2	...	...	...	...
Ajwain ... ...		97 5	79 10	83 21	83 21	83 21

It is perhaps fortunate that later settlement officers have found it possible to assess a fair revenue without investigating the yield of onions, cumin seed or coriander.

at definite periods so that the malpractices of low intermediaries may be avoided.....He shall not make the occasions of journeying an opportunity for exactions, and shall refrain from accepting presents. Every month he shall submit a statement of the condition of the people, the market-prices, the current rents of tenants, the state of the destitute poor, of artificers and all other contingencies." (*Ain V*, Book III of the *Ain-i-Akbari*.)

About two centuries intervene between the death of Akbar and the introduction of English rule, and a comparison of Akbar's revenue administration with the chaos that as has already been indicated existed at the latter epoch will show that disintegration had made startling progress during this interval. Instead of an orderly bureaucracy, collecting a revenue fixed from time to time on carefully ascertained facts, we find an extraordinary diversity of conditions: rajas, nominally dependents, taking what they chose; collectors holding official posts and doing the same thing; intermediaries of all kinds, taking—or claiming the right to take—the revenue from the cultivators; and all alike in one respect, that they took, or tried to take, more than they accounted for to a superior authority. Thus, instead of the original polity in which the produce of the land was shared between two parties only, we now find usually three sharers (and sometimes more)—the state, the cultivators, and the intermediaries or zamindars. The conditions in which a social change of such magnitude was possible are readily found in the weakening and eventual collapse of the Mughal Empire, and the period of anarchy that supervened; but the lines on which the change proceeded were determined largely by certain tendencies apparently inherent in the people of the country, which, working under the new social and economic stresses, developed the rudimentary conception of zamindars (as distinct from cultivators) into the widespread organisation which existed at the end of the eighteenth century.

A brief indication of the most important of these tendencies will throw some light on a development of which few contemporary accounts are available.

The first tendency that may be noticed is the traditional loyalty of the people to the chiefs of certain ancient clans, especially Rajputs. During a period of strong government the power of a raja may almost disappear, but when the central government is weakened the raja resumes his local authority with the entire consent of the people, who have always regarded him as their ruler. It is the result of this tendency that so many rajas were found by the English in the position of zamindars over the land held by members of their clan ; and an idea of the strength of this traditional loyalty can best be obtained by comparing the social conditions on some large estate in Oudh owned by the head of a Rajput clan with those which prevail where the talukdar represents merely a family of revenue officials.

Another tendency that has had important results is the hereditary sentiment. In England one naturally thinks of nepotism or jobbery when a son succeeds his father in any public post ; but in India it is natural in the eyes of the people that a son should succeed his father in all positions from the highest to the lowest. There are numerous traces of the working of this tendency even at the present day : most patwaris secure their posts by hereditary right, and many hereditary claims to kanungoships are still recognised by Government. An Indian official expects his son to be provided for, if not in his own post, at least in the same department, where he may eventually succeed his father ; and the same attitude is found among one's domestic servants. And there are reasons why the plan works better in India than elsewhere : the closeness of family ties and interests makes it probable that a son is intimately acquainted with the details of his father's daily business, and can take it up at short notice ; probably he

has frequently helped his father, and carried on his work during sickness or casual interruptions, and he has most of the local conditions at his fingers' ends. Under the various Mohammedan Governments, the local appointments of revenue collectors certainly tended to become hereditary, and a family often established a connection with the revenue business of a particular area, its head being collector and its members filling various subordinate posts. The family thus became identified with local interests, and (a most important point) it became in time the "natural" recipient of payments on account of the revenue. It must always be borne in mind that India is a very adaptable country in many ways, and when something has happened a few times its recurrence tends to become "natural," and people say (and believe) that it has "always" happened.

The tendency for offices to become hereditary might not, by itself, have had very important results in producing zamindars, but it was reinforced by another tendency so peculiarly Indian that it is difficult to give it an English name: in technical language it is the tendency to administer pakka (or pukhta) instead of kachchha (or kham)—terms which crop up so frequently in revenue administration that it is worth while to get a clear idea of their meaning. A collector of revenue, or rent, or money due on any account, is appointed kachchha if he has certain definite sums to collect and account for, and is remunerated for his work by the person who appoints him. He is appointed pakka if he undertakes to pay a fixed sum and his remuneration depends on what he can collect in addition. Thus, under British rule, collectors hold their districts kachchha, but zamindars hold their estates pakka. A collector has to collect the revenue assessed and is paid for so doing, the zamindar has to pay a fixed sum as revenue and lives on what he can collect in addition from the cultivators. If, however, the settlement with a zamindar is annulled for arrears

of revenue the collector has then to realise and account for the rents due from cultivators to that zamindar, and the process is concisely and correctly designated as kham tahsil. So in Oudh a subsettlement-holder is called a pukhtadar because he is free to make what he can, paying only a fixed sum to his talukdar. A rent collector, again (karinda or sazawal), is appointed kachchha by the zamindar, because he has to collect and account for the rents due : but when a zamindar leases his rents in return for a fixed annual payment, then the lessee (known as thekadar) holds pakka.

Now, kachchha administration is obviously more effective than pakka, but it involves much more trouble, and at first sight it looks more costly because the collectors—having no direct interest in the amount collected—must be men of character and ability and must be paid accordingly if their duties are to be efficiently performed. Akbar's administration was kachchha, as we have seen, because the collectors had to account for definite sums, and its efficiency deteriorated rapidly when supervision slackened : then the revenue paid into the treasury began to fall short as the collectors became slack or found wider scope for dishonesty ; and the line of least resistance for a weakened government was to appoint collectors pakka, and relieve itself of all duties of supervision so long as a fixed sum was paid in. In this way arose various families with hereditary charge of the revenue business of particular areas, and practically free to collect whatever they could get from the cultivators, so long as they paid the fixed revenue into the treasury. They were, in fact, zamindars in the modern sense, only that they had absolutely no guarantee that their hereditary position would be respected. They had therefore to spend large sums in maintaining their popularity with the officers of the central government, and it was desirable to amass as much wealth (in carefully concealed assets) as could be exacted from the cultivators, for the central

government was apt to "squeeze" its officials periodically ; then there were competitors for the post to be "squared" or suppressed ; and altogether the position of such a collector was one of considerable excitement. On the other hand, he was frequently able to secure through his friends at headquarters considerable reductions in the revenue due from him, and thus increase his means of making himself secure. It was natural that in such conditions any standards of the amount due from cultivators should become obscured : the collector was only concerned to take as much as possible, and he could have secured the full rent in the sense in which economists use the term (that is, the whole value of the produce beyond what would keep the cultivator alive), but for the important fact that—partly as a consequence of the growing anarchy—there was little competition for land, and cultivators could ruin the zamindar by leaving the village when the demands on them became intolerable.

That this is not a fancy picture of the steps by which officials became zamindars may be learnt by even a casual perusal of Sleeman's *Journal of a Tour in Oudh*, a province where the tendencies we are considering had free play until annexation. But the same processes may be watched on a small scale in far too many estates in the provinces at the present time. Take a well-managed estate with rent-collectors carefully chosen, fairly paid, and closely supervised by the owner himself and his head-quarters staff, and we have a fair miniature of Akbar's revenue administration. Then watch the quality of the supervision deteriorate : slackness arises and dishonest rent-collectors come in : collections fall off, and the owner decides to lease the collections to thekadars (who are usually in collusion with the displaced collectors). The thekadars default in their payments : fresh thekas are given for lower payments (to the same men or to their secret partners), and gradually the income of the estate

becomes insufficient to maintain the proprietor, while the cultivators are being "squeezed" by irresponsible thekadars, anxious only to retire with a substantial sum before the inevitable collapse. There are too many records of such catastrophes for it to be maintained that they are contrary to the tendencies prevailing in the country.

The tendency to administer the revenue pakka has certain corollaries. A stupid, honest man has no chance, and his family is displaced; an able and unscrupulous collector can rapidly extend his zamindari by taking over the land where the zamindars have failed, and some very great estates have been built up partly at least in this fashion. Again, a government may require a zamindar to give security for prompt payment, and on his default his sureties may take his zamindari: this, too, is the origin of certain important estates held by men of castes primarily dependent on commerce. Again, when all standards of assessment have been lost and there is urgent need of increasing the revenue, the simplest course is to give the zamindari to the man who offers the highest annual revenue, or perhaps a substantial premium; such auction-settlements were not uncommon in the eighteenth century. On the other hand, zamindars occasionally found it convenient to administer their charge pakka, that is, to give sub-contracts for the revenue due from the various portions. This practice seems to have been the origin of some of those perplexing tenures where there are now two sets of proprietors, superior and inferior, both entitled to maintenance from the land.

A few other prevailing tendencies have still to be noticed. We have already mentioned the practice of granting the revenue of definite areas to officials, pensioners and religious endowments; and it was not unusual to grant such beneficiaries a fixed income, chargeable to the revenue of a definite area. Such practices naturally increase as the central government weakens: rewards are then more easily earned, and as the collection of revenue grows more

difficult, there is the less objection to its alienation. In such cases the beneficiaries would naturally assume the management of the land from which their income was derived, and would become indistinguishable from zamindars, revenue-free or revenue paying, according as they might succeed in retaining the whole income or might find it necessary to pay something into the treasury.

Again, no one conversant with Indian litigation can fail to notice the tendency to sell or mortgage any shadowy right or claim, and the willingness of creditors to advance money on claims of the most doubtful description. Even now the fact that a right is legally non-transferable does not prevent its being mortgaged as a matter of daily business—witness the frequent mortgages of tenants' rights of occupancy; and employees of all grades occasionally raise money by pledging their pay or wages though its receipt depends on their retaining their situations. This tendency seems early to have led to a market for rights, or claims, to collect revenue, and persons originally unconnected with the land thus secured the position of zamindar.

Yet another tendency to be taken into account is the practice of managing business through a representative. The cultivators of a village seem generally to have transacted their revenue affairs through one or more representatives, the headmen or mukaddams, who were naturally the most competent men available. A headman in cordial relations with the revenue-collector might engage to pay the revenue for a neighbouring village, and thus become its zamindar; and in this way a man with the necessary qualities could build up a considerable zamindari. Occasionally, too, the headman seems to have become the zamindar of his own village; from acting on behalf of cultivators of his own rank it was not a difficult step for a headman to assume a position of superiority over them, and to take the whole business of the revenue into his own hands.

Finally, it must be remembered that the cultivators were practically the sole producers of the means of subsistence, and in a time of anarchy when the distinction between raja and robber was little more than verbal, one of the easiest paths to a successful career was to secure the position of zamindar, and by acting as such to establish a claim to do so. A raja, or collector, or even a robber without other qualifications, might make himself forcibly the zamindar of one or more villages by the simple means of harrying the cultivators till they submitted, and it was a natural corollary that the cultivators, in order to avoid danger, should submit voluntarily to the control of any neighbour sufficiently powerful to protect them against the rest. Submission to evil is a prominent tendency of the people : the village watchman was frequently, and perhaps occasionally still is, a member of a gang of thieves, and his appointment was a sort of guarantee that the gang should respect his jurisdiction ; and in the same way, it is not too much to say that in some cases the cultivators chose a zamindar<sup>1</sup> to avoid the greater evil of being the bone of contention between rival contestants.

The foregoing summary cannot claim to be a complete account of the growth of zamindars in the period preceding British rule ; but if the meaning of a state of anarchy can be realised—and it is not easy to do so in these days of settled government—it must be recognised that the causes which have been described would suffice to bring into existence a vast number of heterogeneous claims to the position of zamindar ; that is, to the duty of paying revenue and the correlated right of managing the land from which the revenue was due ; in fact to produce the state of affairs which Briggs has described in the passage

<sup>1</sup> The process in question has been described as infeudation, and there are obvious analogies ; but in discussing a subject of such complexity it is well to avoid the importation of terms, however picturesque, that connote a very different historical period.

already quoted. "The hereditary descendant of a line of princes, the feudal Thakoor or Baron, the district collector, the farmer of the revenue, the elderman or mukaddam of the village, and the member of the village co-partnery, each styled zamindar, though they have their distinct and special rights."

A purist might, however, object to the use of the term "right" in this connection. From the juridical point of view the most that can be said is that the actual or *de facto* government had absolute power to make its own arrangements for taking revenue from the cultivators, and that is rested with that government to decide to what extent it should recognise the claims arising from the practice under its predecessors. In some cases, such as the hereditary raja, the claim undoubtedly amounted to an equitable right which hardly any government would willingly have set aside; in others, the grounds were very much weaker and it was clearly open to the government to decide on motives of general policy whether it should recognise claims founded merely on an office that had become hereditary, or on the more or less recent violence of the claimants themselves.

It may perhaps be thought that this somewhat lengthy disquisition on the rise of zamindars is of purely historical interest. This however would be a mistake; some knowledge of the process is essential to a proper understanding of the existing revenue administration, while (what is more important) the authority which landholders exercise on their estates at the present day depends to a surprising extent on the origin of their title. The "feudal Thakoor or Baron" can generally carry his cultivators with him, but the descendant of a translated jobber or robber has, as a rule, nothing like the same degree of influence; and as most advances in the condition of the people have to be engineered through the agency of landholders it is well that officers should recognise that the position of this class is by no means uniform and that—among other conditions—their influence depends on the origin of their tenure.

## V.—HISTORICAL : POSITION OF CULTIVATORS.

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An attempt has been made in the preceding sections to indicate the gradual rise of the zamindars up to the time of annexation. Before tracing their subsequent history, it is desirable to bring together the few facts or inferences that are available regarding the position during the same period of the actual cultivators of the soil. So far as can be judged, and the evidence is mainly negative, a village in the year 1300 was, in most essentials, like a village of to-day ; that is to say, there was a body of resident cultivators, each farming the land in his possession, and together constituting the village aristocracy, while lower in the social scale were the village-artisans (carpenters, blacksmiths, potters and the like), and the menials—barbers, washermen, et cetera—who worked for the cultivators, and were remunerated by customary payments and occasionally allowed to cultivate a certain amount of land. The cultivators never, so far as we know, disputed their liability to pay the revenue, and the only question for them was its amount ; they paid it into the treasury (or to the local raja), and so long as they did so their possession of the land seems to have been unquestioned in the absence of that competition for land, which is one of the dominant factors of the present economic situation. It seems probable that even in the time of Alauddin the cultivators transacted their business through representatives chosen by themselves. Al-Barni uses expressions which suggest this though he does not specifically mention the representatives ; and in the *Ain-i-Akbari* the representatives (mukaddam) are spoken of as existing institutions.

It should also be noted that in the time of Alauddin, and perhaps to a later period, the revenue administration was more

developed than that of other branches, such as the police. Government concerned itself primarily with collecting the revenue and securing supplies for the court and army, and matters of law, especially civil law, received less attention and were perhaps in many cases decided by the general sense of the village acting through its representative cultivators. Attractive pictures have been drawn of these free communities, electing periodically their own rulers, and voluntarily submitting to their rule: but there is no evidence to show the working of these institutions (so far as they existed), and in any case it is well to remember that diversity is more probable than uniformity in the conditions that prevailed, and it would be unsafe to conclude that institutions which flourished in the upper Duab were equally common in Benares. In particular we do not know how far the local rajas maintained their jurisdiction under Mohammedan rule. There is reason to think that it was extensive and detailed in the Hindu period, and we know that even to-day it has the same characteristics, so that there is some ground for conjecturing that it was continuous. It is impossible then to say how far the people were governed by themselves and how far by their rajas; they were not, as a rule, much governed (except in revenue matters) by officials, though doubtless the power of officials varied greatly with their personality.

Akbar does not seem to have introduced any startling changes in the internal organisation of the people: the *Ain-i-Akbari* gives no hint of any action of the kind, and the work is so minute and detailed that had such action taken place it could hardly have been overlooked. As we have seen, he distinctly enjoined his officials to deal direct with the cultivators, but this does not exclude the idea of dealing with them through their own representatives, and may be read with more probability as requiring them to use their own eyes and ears rather than trust to their subordinates. The general administration was no

doubt greatly improved, and public peace was assured in most of what is now the United Provinces, but it does not seem that any attempt was made to alter the internal organisation : it was accepted as a fact by the Emperor just as it was by the English, and the administration was designed to suit its peculiarities.

Nor does the later period of decay and anarchy show any great changes except the gradual growth of the authority of zamindars, which has already been described, and this, after all, was mainly a matter of externals. The cultivator went on cultivating and paid his dues to whoever was in a position to take them ; and so long as his life was not intolerable his main interest was in the amount to be paid rather than in the personality of the recipient. When life became intolerable, owing to the want of security or to the excessive demands, he left the village and either took land somewhere else or started life afresh as a robber. There seems no doubt that during the period of anarchy the population decreased and there was a great decline in cultivation while many villages were left waste, but the majority of villages probably held together and carried on their traditional life.

One small point is worth a passing mention in this connection. As we have said, the cultivator was interested mainly in the question how much he had to pay. Successive governments varied both the share of the produce demanded and the methods of assessment, but throughout their object was first to find out somehow the amount of the produce, and secondly (in general terms) to take as large a share as was possible without checking cultivation. And, on the other hand, the cultivator's obvious interest was to keep the amount of his produce a secret within the limits of the village ; he could not affect the share demanded, but he could conceal some of his produce, and the practice became an accepted tradition. It still survives, with results seen in the constant under-estimation of official yields of crops ; and officers who are worried with the petty subterfuges by

which cultivators try to minimise the results of their experimental crop-cutting determinations may find some consolation in reflecting that these subterfuges are survivals from the centuries during which the concealment of produce was a matter of such real importance.

It is scarcely possible to leave the subject under discussion without a reference to the question, were these villages whose condition has been sketched, village communities in the sense in which the term has been popularised by Sir Henry Maine and later writers? That is to say, was the cultivation originally governed by rules laid down by a community held together by the tie of a common ancestry? Skilled political writers can reconstruct such communities from existing survivals with as much assurance as the anatomist reconstructs an extinct species from a fossil bone, and there is no doubt that the customs and practices of Indian villages embedded many such apparent fossil-survivals. But the question is very intricate, and fortunately is not of much practical interest to the administrator; the important point is to remember that each individual village has its own body of practices and customs, that the great majority of these are founded on a sound appreciation of agricultural conditions, and that they have always to be taken into account in dealing with the people. Many of these practices and customs will be found in the records of village-customs contained in the papers of old settlements under the name Wajib-ul-az, a few specimens of which should be studied by every officer on appointment to a district.

## VI.—FIRST ENGLISH SETTLEMENTS.

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We may now attempt to explain how the English rulers dealt with the chaos of zamindari claims which confronted them on their assumption of the administration. It will be readily understood that during the developments of the eighteenth century the principle that the revenue was a fixed share of the gross produce of the soil had in practice become altogether obscured, and had been largely replaced by the rule of taking as much as could be got without checking cultivation. The early English officers had absolutely no information as to the amount of the produce, and could not have revived the original principle had they wished to do so ; their object was to find the owners of the land, and to take from them as much revenue as could be got for immediate needs ; and it was hoped that when experience of the capacities of this source of revenue had been gained, the assessment might be made permanent, and the revenue thus assimilated in its nature to the more familiar land tax of the English finance of the period.

The first settlements of the revenue were naturally very summary. From contemporary descriptions, it may be gathered that the ordinary procedure was somewhat as follows :— When the collector sat to assess revenue, he was accompanied by the kanungo of the pargana, who was a hereditary official (generally remunerated by a grant of land free of revenue), and whose duties were to register deeds and keep a record of revenue payments. The kanungo first furnished a statement of the revenue hitherto paid by the area under consideration, and gave the names of those persons whom he considered to be entitled to engage for its payment. The various claimants to this position were heard, and the collector usually made the

settlement with the man who appeared to have the best claims to the zamindari, provided he was willing to pay a sum that seemed to be fair on the basis of the kanungo's figures, and also provided that no higher bid was made. The settlements thus combined an element of the auction-room with an attempt to decide on the validity of the various claims ; and it will be readily understood that the latter object was very imperfectly realised.

The engagements taken in these early settlements were usually for five years at a time, and they were renewed or revised as they fell in. It soon became obvious that the methods adopted were inequitable ; there was no adequate basis on which to calculate the revenue that could be paid, and there was no certainty that the men with the best claims were admitted to the engagement. Very many zamindars, too, were unable to pay the amount for which they had engaged, and in accordance with the practice of the country they were summarily dispossessed, and the right to engage sold to the highest bidder. It is of some interest to see why these early engagements so frequently resulted in default. The theory which the revenue officers had brought from Bengal was that the revenue should amount to the net assets less a reasonable allowance to the zamindar for the cost of collection ; the net assets meant the amount which the zamindar could be expected to realise from the cultivators and from miscellaneous sources, and it was thought that about ten per cent of the net assets would be sufficient to remunerate the zamindar ; in other words, the theory was that Government should take 90 per cent of what the zamindar could make from the land. Now there were no means of ascertaining the net assets, but the theory justified the collectors in taking the highest offer they could get. On the other side, there was no adequate realisation that the engagements would be strictly enforced. Recent experience suggested that all governments were

temporary affairs, and that engagements were made to be modified ; a man would promise to pay a larger sum than the land could yield, in order to keep out other claimants, or to get a footing on a desirable plot of land, and he had an expectation (justified by the history of the recent period) that once the engagement was made he would be able to work quietly for its modification in his favour. But the English principle was that revenue was assessed to be collected : an offer was not as a rule refused because of its excessive amount, and if the zamindar did not pay his dues he was promptly sold up. No doubt these early auction-sales displaced many speculators and left the way open for the ultimate recognition of claims of greater validity ; but, on the other side, many rightful claimants had engaged for excessive amounts and their default in payment naturally operated to extinguish their claims. As experience accumulated, it became clear that the whole system of revenue assessment must be based on an accurate knowledge of the assets ; in other words, of the capacity of the land to yield a surplus after maintaining the cultivators ; substantially the same lesson had been learned by Akbar and his administrators. The subsequent history of the administration consists largely of the successive approximations to a detailed and accurate knowledge of the assets.

The first step was taken in 1822, when it was decided to introduce a very elaborate scheme of surveys and detailed valuations, to be extended gradually over the whole area of the province as then constituted. This measure need not detain us long. It broke down hopelessly because of the enormous expense and the inherent difficulties in valuing the land on the lines adopted ; after ten years' experience, it was found that something like half a century would be required for its completion, and it was replaced by the simpler system prescribed under Regulation IX of 1833, in accordance with

which the first regular settlements were carried out in the bulk of what is now the Province of Agra.<sup>1</sup>

These settlements were based on records (1) of rights, and (2) of assets, prepared through the agency of the patwaris, whose potential utility had now been recognised. The combination of a record of *rights* with the record of *assets* should be regarded as fortuitous: Government wanted to know what rights existed at the same time as it required information as to the assets, and the records were prepared to answer both questions. But for many years the term "settlement" continued to denote both processes, and it is only in the Land Revenue Act of 1901 that the process of maintaining and revising the record of rights is formally separated from the operations for revising the assessment of the revenue. The record framed by the patwaris gave details of each field or plot in the *mahal*<sup>2</sup>—the area, class of land, nature of cultivation, name of cultivator, rent paid, and the like: and from these details it was possible to sum up the cultivated area and the rental demand of a *mahal*, and thus to frame the first rough draft of an

<sup>1</sup> The development of the revenue system is a matter of such complexity that in a first sketch it is desirable to avoid detail as far as possible. Readers are reminded that (1) the Benares division was settled as part of Bengal before the end of the eighteenth century; (2) that the Bundelkhand districts came under British rule at a later period and have a revenue history of their own; (3) that Oudh was a separate Province till 1877; (4) that the Kumaun division has an entirely distinct revenue system. The account in the text applies primarily to the bulk of the Meerut, Agra, Rohilkhand and Gorakhpur divisions with part of Allahabad.

<sup>2</sup> *Mahal* is a technical term and means originally any unit of assessment, but its meaning has been extended by definitions in the Revenue Acts to include land held free of revenue. The term does not necessarily connote land at all; *mahal abkari* means the privilege of selling intoxicating liquor for which revenue-duty has to be paid; but in matters of land-revenue, a *mahal* means a local area which may coincide with a village, or form part of a village, or include several villages or parts of them. In the last case it is known as a complex *mahal*.

assessment statement from which the net assets could be calculated. But the assessment of a mahal was not made directly on these data: a long process of elaborating methods to secure accuracy was required before this step became possible. Armed with statistics of the area tilled, the crops sown, and the rent demanded, the settlement officer estimated a fair revenue for a pargana as a whole, having special regard to what it had actually paid in the past, and to the formula now prescribed that the revenue should amount to from 65 to 70 per cent. of the net assets (instead of the original figure of 90 per cent). Calculations were then made of the rates to be charged on various classes of land to produce approximately this revenue, and these assessment rates were applied to the areas contained in individual mahals to give the revenue payable by each. The process therefore still depended largely on estimates, though a basis of fact had now been introduced.

The records prepared for this settlement contained also a list of zamindars actually in possession of what had now been recognised as proprietary right, and claims to be entered in this list were heard and determined by the settlement officer in accordance with the principle laid down in Regulation VII of 1822 that "It shall be the duty of collectors, on the occasion of making or revising settlements of the land revenue, to unite, with the adjustment of the assessment and the investigation of the extent and produce of the lands, the object of ascertaining and recording the fullest possible information in regard to landed tenures, the rights, interests and privileges of the various classes of the agricultural community." The Regulation (sec. 9) goes on to prescribe "a specification of all persons enjoying the possession and property of the soil, or vested with any heritable or transferable interest in the land or rents of it."

At this point we may turn aside to notice briefly the controversy which was carried on with so much heat during

the early years of the nineteenth century as to the seat of the right of ownership in the land of the country. As we have seen, the most probable conclusion is that the conception of ownership of land in the English sense was unknown when the English came to the country. The real question was, what persons were entitled to take a share of the cultivator's produce ? and the answer, roughly speaking, was that those persons were so entitled who were permitted to engage for the payment of the Government revenue. But the English administration inevitably looked for owners, and the question then arose : Is the ownership vested in the state, or in the zamindars, or in the cultivators ? All these views found earnest advocates, and the discussion could not be confined to the question of legal rights, but necessarily involved reference to political considerations. On the one side were grouped the officers who maintained the ownership of the state or of the cultivators, and who could talk in enthusiastic terms of the great social and political advantages to be derived from a hardy yeomanry holding its land direct from Government and free from parasitic zamindars ; while the other side was equally enthusiastic regarding the benefits the country would receive from an enlightened landed aristocracy, whose interests would necessarily keep them loyal to the existing Government and who would develop their property to the advantage of the state, the cultivators and themselves. As is usual when a controversy is acute, there was much to be said for both views : and the early administrators—each of whom held his own views strongly and was subject to comparatively little control—seem to have been much influenced by these political considerations in deciding who should be permitted to engage for the revenue. With one school the presumption was that the settlement should be made with the cultivating community, and any intermediary who claimed to engage as zamindar was put to (relatively) strict proof ; with the other

school the presumption was in favour of the intermediary, and the settlement was made with the cultivators only when no intermediary appeared with a reasonably good case. It will be understood that in nearly all these cases direct and true evidence was hard to obtain, though it was not difficult to produce a plausible case, and the questions that came up had to be decided largely on the balance of probabilities, where the predilections of the deciding officer would naturally, though unconsciously, have great weight.

In this way the conflicting claims to zamindari rights and duties were gradually sorted out; hard cases were, as was inevitable, numerous; and claims that might have prevailed before one officer were rejected by another. In the province of Agra neither school won a decisive victory, and the existing diversity of position among the landholders is, in great part, the result of the conflict. In all districts there are both large estates and cultivating communities holding direct from Government, but the former predominate in some and the latter in others, the decisions of the early courts being stereotyped by the legislation already mentioned.

But the adverse decisions were not in all cases absolute: in some cases the intermediary was recognised to have certain rights, which were satisfied by a decree of what is called *malikana*, that is, a right to receive a portion of the revenue paid into the treasury, and many of these rights still subsist. In other cases it was held that the proprietary right should be divided between the intermediaries and the cultivators; the former engaged to pay the revenue, but a sub-settlement was made on their behalf with the cultivators, who were allowed to hold *pukhta*, that is, were given a free hand in the management of the land so long as they paid to the intermediaries a fixed sum representing the Government revenue and the intermediaries' share of the produce. In this way arose the technical distinction between superior and inferior proprietors, cases of

which are met with in many parts of the province of Agra, but which are most numerous in Oudh.

The controversy regarding rights of ownership thus gradually settled itself in the area which we are considering. It broke out again on the annexation of the Punjab, where—under the more effective central administration that had come into existence—it was settled definitely in favour of the 'hardy yeomanry'; and the Punjab is consequently a province mainly of peasant proprietors. The annexation of Oudh revived the controversy in a still more acute form; at one time the 'hardy yeomanry' won, but the eventual decision was in favour of the 'enlightened land-holders' (talukdars), and Oudh became pre-eminently a province of large land-holders, but with the subordinate rights more generously recognised than was the case in Agra, as is seen by the large area held in sub-settlement by the numerous cultivating communities (pukhtadars), the number of under-proprietors (matahatdars) holding specific areas on an extraordinary variety of tenures, the occupancy tenants holding, as defined in section 4 of Act XXII of 1886, and the variety of tenants possessing special rights which differ from case to case and are (or ought to be) defined in each case by the settlement decree, which is the sole title-deed of the tenant in possession.<sup>1</sup>

In leaving this controversy, it is perhaps not unfair to say that, while on the legal aspect of the dispute both sides were probably mistaken in their fundamental assumption, on the political aspect both were too sanguine of the prospects of an

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<sup>1</sup> In dealing with Oudh revenue questions, it is desirable to remember that the ownership of almost the entire soil of the province was confiscated after the Mutiny and vested in the Government. The talukdars hold their estates by virtue of grants (sanads) from the Government, confirmed by Act I of 1869, and talukdars have different rights, according to the "list" in which their names were entered, in regard to rules of succession and the like. Talukdari law is an intricate subject, but questions regarding it rarely come before revenue officers.

early millennium. That condition has been attained neither by the Punjab nor by Oudh : the revenue administration of each province has problems of its own, and if the difficulties of both appear in Agra with its mixed tenures, this very mixture tends to mitigate their intensity.

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An idea of the controversy regarding Oudh can be obtained by the study of (1) *The Oudh Gazetteer* (original edition), especially the Introduction by Mr. W. C. Bennett; (2) *The Garden of India* by Mr. H. C. Irwin. These two works approach the subject from somewhat different standpoints, and may be taken as complementary; they are alike in having for their authors life-long friends of the province of Oudh and its people.

## VII.—LATER ENGLISH SETTLEMENTS.

It will be gathered from what has been said in the previous section that with the settlements made under the Regulation of 1833, the question *Who should be allowed to engage for the revenue?* was finally settled. Proprietary rights were recognised, and the owners of proprietary rights were entitled to the option of engaging. The magnitude of the change in the zamindar's position will be apparent. Before the advent of British administration a zamindar could hope to hold his position and even to pass it on to his heirs provided that no accident occurred, but his power to sell it to anyone else was doubtful and shadowy. By the recognition of proprietary rights the zamindar's position became assured, and so long as he pays the revenue, he remains free either to pass the estate on to his heirs or to sell it with a title which remains valid while British administration continues.<sup>1</sup> We may now, therefore, drop the ambiguous term zamindar (which has been employed so long as the matter was still unsettled), and will use the term landholder, which is the legal description of the persons entitled to engage. A glance at Chapter V. of the Land Revenue Act of 1901 will show that a *landholder* is still substantially different from a *landowner* in the English sense: he can enjoy his property only while he is bound by engagement to pay the revenue, and if he refuses to engage, the property passes for the time into other hands, and the *landholder* receives only a compassionate allowance out of its

<sup>1</sup> The question whether the power of sale is on the whole a benefit or an evil is one that has been frequently discussed, but no definite conclusion has been reached so far as these provinces are concerned. The special circumstances of the Bundelkhand districts have however led to the restriction in them of the *landholder's* freedom to sell his property.

profits. From the practical point of view these provisions are little more than a survival, since with the present methods of assessment it is hardly conceivable that any landholder will refuse to engage ; but their presence emphasises the fundamental conditions of land-holding in the provinces as laid down in other sections of the Act, *viz.*—(a) that all land is liable to be assessed to revenue unless explicitly exempted (section 58), and (b) that all persons in proprietary possession of land for their own benefit are liable to pay the revenue assessed on it (section 142), and can be compelled to do so by legal process.<sup>1</sup> From this point it is possible to trace the history of methods of assessment separately from that of the record of rights, and in the present section we shall deal with the former subject only.

The experience gained of the working of the settlements made under the Regulation of 1833 showed that the methods of assessment were by no means perfect ; and when the time came for revision of these settlements, changes were introduced which began with the rules issued for the Saharanpur Settlement of 1855. It must be remembered that the settlements of all districts do not fall in at once ; they are made usually for a term of 30 years, and settlement operations are ordinarily in progress in

<sup>1</sup> Anomalous cases sometimes arise in revenue administration which can be dealt with only by a direct application of these fundamental principles, and therefore it is well that all revenue officers should bear them constantly in mind. One striking application of principle will be found in the Chapter of the Tenancy Act dealing with the resumption of rent-free grants. It is obvious that a landholder could by granting all his land in rent-free holdings alienate the income while retaining the proprietary right, and might then plead inability to pay the revenue. The law therefore (following in this the custom of the country) permits a landholder to recover an income from most of such grants either by resuming them altogether, or by assessing rent on them ; but in some cases where the grant is declared not to be resumable, the court is bound to declare the grantee to be the landholder, and he then becomes liable for the revenue. (See secs. 150—158 of the Agra Tenancy Act of 1901, and the corresponding law for Oudh.)

some part of the province. The settlements which began in 1855 were interrupted by the Mutiny and were spread over a period of 20 years, while the first regular settlements of Oudh were made in the same period and generally on the same lines. Nor must it be thought that any one set of settlements is made throughout on uniform lines : almost every settlement officer hits on some improvement in method, which is enjoined on his successors, and in this way the rules prescribing the procedure of settlement have grown up gradually as the result of accumulated experience. It is, however, possible to mark a few epochs in this process of growth where a distinct step forward was made.

The Saharanpur rules mark such an epoch. Under them records were prepared as before by the patwaris, but the rates to be used in valuing land were arrived at less on general grounds than from a study of the rents actually claimed by the landholders—a study rendered possible by the increased accuracy of the records. These rates were then applied to the land of each mahal, and the resulting valuation was compared with the actual rental of the mahal, and the revenue assessed after consideration of the two valuations. Thus these settlements were based more on facts, and less on conjecture, than those made under the Regulation of 1833, and in particular more attention was assured to the peculiarities of each individual mahal, since where the two valuations gave discordant results it was necessary to search for the reasons. This system of settlement was worked out by a series of officers of exceptional ability and devotion<sup>1</sup> and was undoubtedly a great advance on its predecessor. Yet it did not give wholly satisfactory results, and in some cases it undoubtedly resulted in over-assessment, mainly because it gave too much scope for considerations of what the

<sup>1</sup> The system can best be studied in the Settlement Report of the Farrukhabad district. The report was written by Mr. H. F. Evans, but the most important part of the work was done by Mr., now Sir Charles Elliott.

land might yield under efficient management, as opposed to its actual yield at the time of assessment. It will readily be understood that landholders appreciated the importance of the record of rents preceding a new assessment ; careful men would keep the rents low till the assessment was made, while others would attempt (and sometimes with success) to falsify the record, just as generations of cultivators had learnt to conceal the amount of produce when the assessment was made on that basis. When therefore the rental of a mahal fell below the settlement officer's valuation, he at once became suspicious, and he was apt to attach more weight to his valuation than to the record, and to assume that once the assessment was made the latter would approximate to the former. He thus took into account in some cases, not only the actual income or assets of a mahal, but also what are known as prospective assets, that is to say, the income which a careful landholder might hope to secure ; and where he was too sanguine in his estimates, over-assessment naturally resulted. In some cases, too, there was a tendency to pitch rates for valuation on rather a higher scale than was warranted by all the circumstances, and then the discrepancies between the recorded and the estimated valuation naturally became more important.<sup>1</sup>

Before the completion of this series of settlements, a beginning had been made with the maintenance of the annual land records, designed largely to facilitate the work of future settlement officers ; and when the next set of settlements

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<sup>1</sup> The question of assessing to revenue prospective assets is one of some interest. In early settlements, uncultivated land was assessed in the confident expectation that it would soon come under the plough : but it is hard to be sure of this beforehand, and sometimes the expectation was falsified ; the assessment of uncultivated land is now prohibited. Similarly, it has been found necessary to limit very narrowly the powers of assessing on prospective rents. A detailed study of the history of this question might throw some light on the proposals to tax various forms of potential (or ungotten) wealth which are current in the Western world.

began (with Saharanpur in Agra and Una in Oudh), the rules contemplated a much greater degree of reliance on the facts recorded for each mahal than had previously been possible. The settlement officer was directed to accept as the basis of his valuation the recorded rents of each mahal in all cases where they could not be shown to be fraudulent or utterly inadequate : while he was expected ordinarily to value the unrented land (that is the land cultivated by the landholders, the rent-free grants, and so forth), on a scale warranted by the recorded rents. He had now to frame standard rates for valuation and compare the result with the records, whereas he had previously to compare the records with his valuation ; and any assessment of prospective or speculative assets was prohibited.

These rules then were marked by a much greater degree of reliance on recorded facts than had hitherto been possible ; they were indeed parodied in the epigram that a settlement officer's business was to add up the rents and divide by two to get the revenue. Their strong point was their reliance on facts to the exclusion of estimates ; their weakness lay in their failure to recognise explicitly that all facts are not of the same value. Assuming the record to be true, as is now the case in the great majority of mahals, the recorded rents should show what the landholder hopes to get from the land, but they cannot show how far his hopes are reasonable, and thus they offer—as they stand—an imperfect basis for estimating his assured income. It is obvious that if they could be supplemented by a true statement of the rents actually collected year by year, the difficulty would disappear ; but, as we shall see later on, it has not yet been found possible to secure anything like an accurate record of rent-collections, and in the meantime the most that can be done is to subject the recorded rents to careful scrutiny and criticism, and decide in each case whether they are substantially accurate indications

of the landholder's income or whether they must be discarded in favour of other sources of information. This system of criticism forms the distinguishing feature of the assessment rules first issued in 1896, which will be found (with minor alterations) as Circular No. 1-I issued by the Board of Revenue.

The procedure laid down by these rules falls into two main divisions, the preliminary study of the circumstances of the area to be assessed, and the assessment of the individual mahals. The first step is to frame assessment circles ; that is, to group together those villages which are sufficiently alike in agricultural and economic conditions to be studied as a whole. Then the cultivated land has to be classified according to the productive value of the soil, and the settlement officer proceeds to ascertain the fair letting-value in the local conditions of the typical land of each class.<sup>1</sup> This process of ascertaining rates (formerly spoken of as standard rates) is too complex to be described here : its basis is an analysis of the rents actually paid in the circle, putting aside all those that are in any way exceptional, and dividing the remainder so as to give the fair valuation-rate for each class of soil. The result is submitted for criticism in what is known as the Rent Rate Report, in which the settlement officer has to explain and justify his rates. When the circle rates have been approved, he proceeds to the second portion of the operations, which consist of a criticism of the recorded rental of each mahal, a decision what rents are sufficiently "genuine" and "stable" to be accepted as the basis of valuation, and a valuation of the remaining land by the accepted rent rates, or by some other system, the use of which has to be justified. Here, too, the procedure is too technical and too difficult to be explained in a first sketch of

<sup>1</sup> It is frequently possible to start with the circle-grouping and the soil-classification of the previous settlement, modifying it where necessary, and in the case of soil-classification, subdividing it to secure the closer approximation to accuracy that is now required.

the subject. Readers who wish to know more of it are advised first to make themselves absolutely sure of the definitions and instructions in the Circular which has been quoted, and then to study the Rent Rate and Assessment Reports, together with some of the assessment statements, of a district that has recently come under settlement.

The practical effect of this procedure is to ascertain—in most cases with a high degree of precision—the income which each individual landholder can expect to secure from his estate *in the existing economic circumstances*. The state then takes approximately half of this income for the next thirty years, during which period the landholder has the full benefit of any favourable economic change. In theory he ought to take in like measure the full risk of any unfavourable change, but experience has shown that landholders as a body are not in a position (either financially or morally) to average their risks to this extent, and will not put aside income obtained in favourable years to meet prospective losses. In practice, therefore, the state has assumed the greater part of the responsibility for loss by future changes, and, on the occurrence of such loss, endeavours to adjust the burden of the revenue by methods which will be described in subsequent sections. Subject to this proviso, which is of much practical importance, it may be said that the state takes 50 per cent of the rent of land, and its demand is not limited to the unearned increment. Income derived from capital expenditure on improvements is exempted from assessment for the term of one settlement after that during which it was incurred (that is for from 30 to 60 years in all); after that period the full share of it is taken by the state. Taxation on this scale would undoubtedly be open to the charge of injustice if imposed for the first time on landowners who had hitherto enjoyed the entire income of their estates, and many of whom had purchased the land in expectation of doing so: but the foregoing historical sketch

of the rise of landholders in the United Provinces will, it is hoped, have made it sufficiently clear that they obtained their titles to their estates subject to the payment of this revenue, the equivalent of which was realised from the land before their rights had come into existence.

## VIII.—AMOUNT OF REVENUE.

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Before leaving the subject of the assessment of the revenue, it is desirable to bring together the facts that are known as to its amount in comparison with the produce of the land. In this connection, the distinction between "produce" and "assets" must be borne in mind ; it is obvious enough, but has occasionally been overlooked. "Produce" means the quantity of grain or other product actually yielded by the land to the cultivators ; "assets," in the technical sense, means the landholder's income ; and, as we have seen, circumstances have led to the revenue being assessed as a share of the assets instead of a share of the produce.

We do not know what share of the produce was usually taken in Hindu times. The only authority I have found on this question is Manu, and scholars are by no means agreed as to the location or extent of the states whose customs he describes. The information he gives is, however, suggestive ; he puts the king's share of the produce at from one-twelfth to one-eighth, but he adds that in emergencies it might be as high as one-fourth.<sup>1</sup> It may, perhaps, be inferred that various

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<sup>1</sup> Briggs prefaced his work on *The Land Tax of India*, which has already been quoted, with an exhaustive disquisition the object of which is to show that originally the rule of 10 per cent for the state applied to by far the larger portion of the world, including the whole of India. The argument is difficult and needs revision in the light of more exact historical knowledge ; as regards Northern India, it must be remembered that the people do not work and perhaps never have worked on the decimal system of calculation.

states had different practices, but that a demand of one-fourth of the produce would not ordinarily meet with the approval of the people, though it cannot have been unknown. Under the Mohammedan rulers, the share of the produce demanded varied from time to time; for a short period it was as low as one-tenth, (which appears to have been a common rule in some parts of Central Asia,) while Al-Barni distinctly says that Alauddin fixed the rate at one-half "without any deduction whatever," and Akbar and his successors demanded one-third.

The first English settlements aimed, as we have seen, at taking 90 per cent of the assets (not of course of the produce). This was reduced to 65 to 70 per cent under the Regulation of 1833, and to 50 per cent under the rules of 1855. The proportion of 50 per cent has since been maintained as the standard. The rules allow of assessments varying from 45 to 55 per cent, but in most cases the proportion finally taken works out to between 45 and 48 per cent. It must not, however, be thought that 50 per cent now means the same thing as in 1855: the changes made in the methods of calculating the assets have been almost uniformly in favour of the landholder, and the net assets as now arrived at are usually substantially less than would have been taken on the same data by a settlement officer fifty years ago.

A comparison of these rates with the share of the gross produce formerly demanded is by no means easy; but it is fairly safe to say that the rents charged by landholders to ordinary tenants for cash-paying land range between 10 and 20 per cent of the produce obtained over a series of years in the ordinary course of agriculture. The revenue assessed is, as we have seen, usually below half the assets, which again are calculated at something less than the gross rental: probably, therefore, the revenue assessed now represents a proportion of substantially less than 10 per cent of the produce of the land,—curiously, just about what was thought reasonable at the time

when Manu wrote, and about one-third of what was considered proper by Akbar.<sup>1</sup>

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<sup>1</sup> It is sometimes argued that the prevailing rates for rents paid in kind show the revenue to be a larger proportion of rents generally than is estimated in the text. These rates range from one-half to one-third and are very rarely as low as one-fourth. As we shall see later on, grain-rents are found only where the harvest is exceptionally precarious or the standard of cultivation is low; and a short study of the assessment statements of a tract of this kind will show any enquirer that Government takes nothing like half of the grain-rents as assets. The simplest refutation of the general argument is to see how it works out in practice. If grain-rents and cash-rents are on the same footing, then it is obvious that the cash-rent of an acre of ordinarily good wheat land should range from one-third to one-half the value of the produce. Now a crop of wheat on such land is worth about Rs. 40 an acre, and the average produce of the land year by year is about the same sum since when less valuable crops are grown in rotation two of them are frequently taken in a year. The rent of such land should therefore be from Rs 13 to Rs. 20 an acre if cash-rents are on the same footing as grain-rents. But it would probably be impossible to find a single field in the provinces paying more than Rs. 12 an acre where wheat is the most valuable crop. Land rented at higher rates is put under sugar-cane or garden crops, and the ordinary rent of wheat land lies between Rs. 6 and Rs. 8 according to circumstances.

## IX.—SPECIAL FUNCTIONS OF THE STATE INVOLVED IN THE REVENUE SYSTEM.

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We have now attempted to explain the development of the land-revenue in its broader features and to indicate how the present revenue-payers came into existence, and may proceed to state certain consequences which have followed necessarily from the course of events and which place the Government of an Indian province in a position materially different from that of a country like England. It must be clearly recognised that in India the Government is in partnership with the agricultural community, and that from a purely financial standpoint and independently of any ideals of government—(socialistic or other)—it is directly interested in the success of the agricultural industry. The well-known aphorism “Pauvres paysans, pauvre royaume” is strictly and literally true in India to-day just as it was true of the Hindu states depicted by Manu where the king took his share in the actual produce of his subjects’ lands; and in this direct financial interest will be found the chief guiding influence on the revenue administration of the province.

There are two ways in which the state is financially interested in agricultural prosperity, apart from the general consideration that all prosperity is a source of increased revenue. In the first place, and obviously, the state is interested in seeing that the assured income of the landholders is as large as possible, for the simple reason that it has a reversionary interest in one-half of any increase in that income; and from this point of view it might be regarded as in a partnership with the landholders to get as much out of the cultivators as possible; while in the second place, it is less obviously but even more

immediately concerned in seeing that the landholder's present income is assured ; in other words, in seeing that the cultivators are protected so far as may be against all the dangers that threaten their industry, and are in a position to pay their rents even in unfavourable seasons. From this point of view the state is in partnership with both landholders and cultivators ; its object must be to work for the prosperity of the cultivator, thereby ensuring the stability of the landholder's income and consequently of its own revenue.

These two conceptions of partnership may at first sight seem antagonistic ; the state and the landholder are first opposed to and next joined with the cultivator : but a slight acquaintance with the conditions of agricultural success is sufficient to show that no such antagonism exists. The question is however of such fundamental importance to the future of all classes in the province that it is worth while to follow it out carefully. Let us take the case of an individual landholder succeeding to a large estate, and anxious to increase his income from it. He has two courses open to him—to take a larger share of the present produce of the land, or to increase the produce and divide the increase with the cultivators. The first course may be justifiable on estates where the rents are very low, but if the existing rents are fair it is almost certain to lead to ultimate loss. The landholder will pick out all the cultivators who are making a little money, and will proceed to raise their rents. He will thus have a larger rent-roll and will probably for the time being be able to collect more than hitherto ; but in unfavourable seasons his collections (that is, his income) will probably be no better than before, and in order to secure this temporary increase in his income, he will have struck a blow at the most important asset of his estate, the self-interest which is the cultivator's motive for making the best use of the land. It has to be remembered that in the greater part of the province the competition for land to cultivate is sufficiently

keen to enable a landholder, if not restrained by legal or other obstacles, to take the entire economic rent ; that is to say, the whole of the produce except what is sufficient to keep the cultivator alive and at work.<sup>1</sup> Now a "fair" rent may best be described as a rent sufficiently below the economic rent to leave an adequate incentive to the best efforts of the cultivator. When there is no such incentive, that is to say, where the landholder tries to secure the economic rent or something like it, the cultivators become disheartened—as may be seen on too many estates at the present day ; they know that any increased produce obtained by their labour or skill will shortly be absorbed in the enhanced rent ; and instead of striving to increase the divisible produce they devote their energies to a barren struggle with the landholder regarding the division of the produce that exists. Then arises what is known as an "agrarian question :" the landholder is at logger-heads with his cultivators. Even if he succeeds in collecting more rent the increase is consumed in collecting-staff and in legal processes, and the one legitimate source of increased rent is cut off.

The alternative open to the landholder is to set to work to ensure and increase the produce of the land by providing the cultivators with all that is needed for efficiency, and gradually to take a fair share of the increased produce that results. The Indian cultivator does not expect to keep the whole of the increase, certainly not when his landholder has contributed to its production, but he does rightly claim a fair share as his own recompense ; and when cultivators are getting richer the enhancement of their rents so as to give the landholder his share of the increase can ordinarily be effected by harmonious arrangement.

<sup>1</sup> We have seen in an earlier section that in the eighteenth century the zamindars were prevented from taking the full economic rent by the fact that competition for land was by no means keen ; the internal peace secured by the British Government very soon brought this force of competition into existence.

Now everything that has been said regarding the landholders interests applies equally to the position of the state. The state and the landholder are jointly interested in getting as much rent as they can; and the first condition of lasting success in this respect is the provision of that incentive which is necessary to call forth the best efforts of the cultivators. From the economic point of view, the state, the landholder and the cultivator are members of a productive partnership, and it thus becomes the first interest of the state—the member of the firm that can look furthest ahead—to see that the other members give their best energies to the common object of the partnership. This principle will be found to provide the economic and financial justification for the various activities of the revenue administration and the allied departments of Government in India, and it furnishes the best touchstone by which suggested developments may be tried.

Now as regards the landholder's interest. It has been ascertained by experience that the present terms of settlement, securing to Government half the net assets calculated for terms of thirty years, leave the landholder in ordinary cases sufficient incentive to administer his estate to the best advantage of the parties interested, in the economic circumstances which have prevailed during the period in which this experience has been gained. But there is no finality in decisions of this kind, and changes in the economic environment may at any time render it desirable for Government to re-consider the terms on which it permits landholders to engage for the revenue; so far as can be seen, there is no present necessity for re-consideration, but when the time comes the question will have to be examined in the light of the fundamental principle that has just been stated.

The assurance of the cultivator's interest is a more complex problem, and the history of tenancy legislation in the provinces must be glanced at in order to show what has been attempted and what has been attained.

## X.—TENANCY LEGISLATION: AGRA.

Broadly speaking, there was no possibility of tenancy problems becoming acute before the period of British rule. The conception of landholder and tenant was being gradually worked out by the people, and wherever a cultivator paid more than reached the treasury, there were at least the rudiments of a tenancy system since the excess payment was of the nature of rent. Disputes as to the amount of these payments doubtless occurred between the cultivators and the intermediaries; but the cultivators were then relatively in a strong position, because at that time land was competing for cultivators, and tenancy questions can become acute only when there is not enough suitable land to go round. But as internal order became established under British rule, the land filled up with that rapidity which is characteristic of most reactions from periods of anarchy or disorganisation, and competition for land was not long in making its appearance, local at first and gradually spreading until it is now the normal condition in all parts of the province except the districts south of the Jumna and the unhealthy country lying along the foot of the Himalayas. Meanwhile the high revenue fixed in many of the earlier settlements, and the efforts of speculators to pay the revenue for which they had engaged, combined with the growing competition for land to bring tenancy questions for the first time into prominence.<sup>1</sup> The landholders were naturally

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<sup>1</sup> The effect of competition for land on agrarian questions can still be studied by comparison between various parts of the province. While it is acute over most of the Doab and Oudh, the scarcity of cultivators in parts of the sub-Himalayan Tarai is so great that "tenant-poaching" is the bane of the landholder, who may at any time find his cultivators tempted away to another estate and be unable to replace them.

raising rents to the highest point, and were turning out those cultivators who refused to meet their demands. Now the recent economic conditions had given no scope for ejectments, and there seems to have been no customary law regarding them, so that they were resented by the people as a breach of their customary rights and were objected to by government, partly as providing recruits for the still common profession of gang-robbery, and partly as imperilling the stability of agriculture. A long period of enquiry and controversy followed as to the actual rights of cultivators under preceding rulers. Naturally there was no very clear evidence of rights established or respected by law, but it was fairly made out that, as a matter of fact, cultivators had enjoyed continuity of possession so long as they paid their dues and did not make themselves objectionable in other ways. These enquiries terminated in the passing of Act X of 1859 which for the first time gave legal recognition to the conception of a *right of occupancy* in the province of Agra. This Act did not extend to Oudh, which has a history of its own in these matters.

The Act provided that all cultivators who had held their present land for twelve years should be deemed to have a *right of occupancy*, and that cultivators admitted in future and allowed to hold for twelve years should acquire the same right on the conclusion of that period. The idea was thus to put all new cultivators on probation for twelve years, and during this period the landholder could eject them at pleasure; if he were satisfied with them then they acquired the right of occupancy. The right entitled them to remain in possession of the land so long as they paid the rent, and limitations were at the same time imposed on the power of the landholder to enhance their rent. We thus come to the two interdependent conceptions, continuity of tenure and external regulation of rent, which are the staple of all agrarian discussions, and it is well to get a clear idea of what they involve in Indian conditions.

Agriculture is by no means an easy business by which to make a living. Even when the standard practice of the locality has been mastered, it will be found that almost every field has peculiarities of its own, which can be studied only by experience, and which must be either taken advantage of or corrected if a farm is to yield a profit as a whole. Again, the condition of a field can be injured easily and quickly, while its improvement is in many cases a tedious and difficult affair. A cultivator then requires the prospect of holding land for a reasonable term of years if it is to be worth his while to study its peculiarities and to improve its condition. He will naturally not take the trouble to do this if he is liable to be turned out at short notice, but will merely try year by year for the greatest immediate return that he can get, and thereby almost inevitably cause the land to deteriorate. When therefore there is in practice no security of tenure, the style of cultivation will be such as to diminish the productivity of the soil—in other words, to threaten the stability of the income of the country : while given security of tenure and cultivators with the requisite standard of character, there is a reasonable hope that the soil will at least remain constant, or even slowly improve, in productive powers. These considerations are of general application, but the circumstances of the province give them particular weight. The whole character and traditions of the ordinary cultivating classes lead them to treat their land as a source of income for the future as well as for the present, and therefore to work steadily for its gradual improvement ; while, on the other hand, their intellectual limitations make the process a very slow one. A fair prospect of continuity of

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<sup>1</sup> Readers may be reminded that what is said in the text refers to agriculture in an old country ; the conditions are very different in cases where land is brought under the plough for the first time, as is being done in Canada, or after centuries of rest, as is probably the case in some of the submontane districts of the province.

tenure is thus the first essential for the maintenance of the productive power of the country.<sup>1</sup>

It will be understood that the assurance of continuity for an indefinite period is not essential ; the land will be fairly treated under either an indefinite system, such as the right of occupancy, or under a leasehold system ensuring continuity for a fixed term of reasonable length. It is uncertainty from year to year that is the great evil from the cultivator's point of view, though under a leasehold system he will naturally be tempted to let the land run down in the last year or two of his term if he has no prospect of securing a renewal of his lease. As we shall see later on, the leasehold system was adopted for Oudh, while the indefinite system is in force in Agra.

Continuity of tenure necessarily involves some external regulation of rents, for if the landholder can raise rents to any sum he thinks fit, he can, where competition is active, drive out any cultivator by fixing his rent impossibly high. The two conceptions are therefore, as has been said, interdependent, and any administration which undertakes to secure continuity of tenure in the face of competition for land finds itself compelled to assume the regulation of rents. In Agra this duty was assigned to the revenue officers, who are invested with the powers of a rent court to decide most matters in dispute between landholders and their cultivators. Enhancement of rent must be sued for on certain definite grounds unless the cultivator agrees to it, and when rent has been enhanced it cannot be altered again for a certain term of years.

<sup>1</sup> It requires some knowledge of the agriculture of the province to appreciate these conclusions, and to realise the enormous cumulative effect that will ultimately result from any change in the strength of the motives that urge a cultivator to do his best by his land. Some idea of the importance of these motives can be gained if one has a chance of seeing a holding pass from a bad cultivator (an ordinary brahman for instance) to a jat or a kurmi, especially if one can win the latter's confidence sufficiently to elicit his opinion of his predecessor's ability.

The provisions of Act X of 1859 were re-enacted in 1873, and again in 1881 with amendments in detail intended mainly to check evasions of the law. For unfortunately the whole occupancy system proved to be unpopular with large numbers of landholders, who set themselves to evade its operation by a variety of ingenious devices. It would be most unfair to suggest that any considerable proportion of the landholders objected to a reasonable degree of continuity, but they did in many cases object to the degree of independence assured to the occupancy-tenant: so long as he paid his rent he could almost do what he liked, and it requires only a slight acquaintance with the social conditions of the country to realise what this independence meant to the landholder.<sup>1</sup> The unpopularity of the system was manifested partly in taking any pretext to get rid of existing rights of occupancy, and partly in ensuring that no fresh rights should accrue. An occupancy-tenant could be ejected for failing to pay arrears of rent after they had been decreed by a rent court, and so it became an object with some landholders to involve their cultivators in litigation, to snatch decrees against them, and to manipulate the accounts of their payments—all of which processes were injurious both socially and economically. And to prevent the growth of fresh rights, a regular system of ejectments was organised on many estates, a formal or actual ejectment being made of every cultivator in the eleventh year of his tenure, so

<sup>1</sup> In some cases, at least, financial considerations were also important, notably in some of the indigo districts, where it was customary for tenants to grow indigo for the landholder on terms exceptionally favourable to him. Tenants refused to continue the system as soon as they were freed from the fear of summary ejectment, and many landholders in these tracts resolutely set their faces against the growth of occupancy rights. The decline in the profits of indigo manufacture (due to the production of artificial indigo) has removed this source of conflict: readers who wish to realise what it meant may consult Mr. T. Stoker's *Settlement Report of Bulandshahr* (1890) for a graphic description.

that a fresh period of probation began to run. In some cases, cultivators were actually compelled to leave their land and were provided with other land in exchange, but in the majority of cases the proceedings were purely formal. Ejectment notices were served and were not contested : the cultivator was formally dispossessed and promptly re-admitted (with sometimes a slight enhancement of rent, and usually a present to the landholder's agent) ; and in many cases there was practical continuity of holding because cultivators trusted their landholder. The evils of ejectment were not therefore in practice so great as the statistics of their operation suggested, but they still existed, and the growth of the system of nominal ejectments tended to bring the law into contempt.

The present Tenancy Act (Act II of 1901) was designed to remedy these evils. Its aim was three-fold—to remove objections raised by landholders in matters of detail, to put a stop to nominal ejectments and other evasions of the law, and finally to provide an alternative to the whole system of occupancy rights. The first object need not detain us. Landholders raised objections to points such as the freedom of sub-letting and their wishes were met so far as Government considered desirable. As to ejectments, apart from alterations of procedure, the main provisions were intended to secure that no process could interrupt the currency of the twelve years of probation unless the cultivator was actually deprived of possession for at least a year. The difficulty of making this provision effective may be judged from the complexity of the definitions of the terms "continuous holding" and "same land" contained in the Act. Then by changes in procedure ejectments during the term of probation were made more difficult and more expensive, while the trouble and money are thrown away unless the landholder is sufficiently in earnest in his desire to get rid of the cultivator to drive him out of the village by depriving him of all land for at least a year.

But the most interesting portion of the Act is that which provides for a leasehold system as an alternative to the right of occupancy. If a cultivator takes a lease for seven years or more, the time does not count as part of the probation, that is to say, it does not lead to occupancy rights, and thus land-holders who object to the growth of these rights can avoid any risk by giving leases of sufficient length to secure the minimum of continuity essential to the cultivator.

Criticism of the provisions of this Act would be out of place, but readers may be reminded that practically no legislation affecting the land can be judged on the experience of a few years. The economic forces that have to be allowed for work slowly, while the adaptations in the social relations of different classes are effected more slowly still. Such general remarks as are called for in connection with the whole question may be postponed till we have sketched the history of the parallel development in the adjoining province of Oudh.

## XI.—TENANCY LEGISLATION : OUDH.

The history of tenancy in Oudh is, as we have said, entirely different from that of Agra. After the Mutiny and the period of somewhat acute controversy which followed, it was eventually decided to entrust the fortunes of the bulk of Oudh to the great landholders or talukdars, and all branches of the administration combined to emphasise the importance of their position in every possible way. Such special cultivating rights as could be found in existence were recognised and defined in the formation of the record of rights, but the area they affected was relatively small, and apart from them the soil and the cultivators were placed practically at the disposal of the landholders, subject only<sup>1</sup> to the condition inserted in the grants which form their title-deeds, that "You will, so far as lies in your power, promote the agricultural prosperity of your estate, and that all holding under you shall be secured in the possession of all the subordinate rights they formerly enjoyed."

This condition was honourably observed by not a few landholders, but on the other hand it was ignored on some of the larger estates, while from the nature of the case it was ineffective on the smaller properties directly the progress of the country ensured effective competition for land<sup>2</sup>. The

<sup>1</sup> The first Oudh Rent Act (XIX of 1868) regulated the position of occupancy tenants (*i.e.*, exproprietors), and laid down procedure in distraint; but it expressly refrained from dealing with fixity of tenure or amount of rent in the case of ordinary tenants.

<sup>2</sup> The state of Oudh shortly before annexation is vividly pictured in Sleeman's *Journal of a Tour in Oudh*. The population increased rapidly after annexation, and competition for land became effective within a very few years over a large part of the province.

rise in rents was consequently rapid, and ejectments were sufficiently numerous to destroy the feeling of security which, as we have seen, is essential to the success of the cultivator: on some estates indeed the treatment of the cultivators was such that Government considered seriously the question of cancelling the landholders' grants for breach of the condition which has just been quoted. It thus became apparent that tenancy legislation could not be any longer avoided, but there were particular difficulties in the way. It was necessary to safeguard carefully the position, and the susceptibilities, of the talukdars, and at the same time to recognise that in the existing social conditions it was nearly useless to give cultivators rights which the talukdars would not willingly concede, for the idea of an ordinary cultivator having the courage or the resources required to fight his talukdar in the courts was then—as indeed it still is—repugnant to the feelings and traditions of the province. On the other hand, allowance had to be made for the facts that though Oudh is a province of large landholders, a considerable part of the land is held by cultivating communities<sup>1</sup> and small zamindars, while the practice—common in some parts—of managing estates pukhta, that is of leasing the rents to thekadar, puts the cultivator in relations with men who cannot be counted on to be loyal to talukdari traditions. After protracted negotiations, the decision arrived at was embodied in Act XXII of 1886, which is still in force; and when the somewhat anomalous and illogical provisions of this Act provoke criticism, it is wise to remember that it is essentially the embodiment of a compromise between the talukdars on one side, and the Government representing the cultivators on the other; in fact the Act may be described without much

<sup>1</sup> The proportion of talukdari estates varies greatly from district to district: it is least in Hardoi and Una, which are comparable to many Agra districts in the number of small landholders.

exaggeration as a treaty or agreement, and its successful working is dependent to a great extent on the co-operation of the parties.

The main provisions of the Act affecting ordinary cultivators are as follows:—(1) A cultivator admitted to a holding becomes thereby a leaseholder for a period of seven years, during which the rent cannot be altered; (2) after seven years his rent can be enhanced to the extent of one anna in the rupee, but not more, and any enhancement must be followed by at least seven years' rest; (3) if the cultivator is ejected, the rent of the new cultivator is limited to precisely the same sum, while the landholder forfeits six months' rent to Government in the form of court fees.<sup>1</sup> Each cultivator then is assured continuity for seven years, provided he pays his rent, and is free in theory from arbitrary enhancement of rent at the end of the term; the landholder has no advantage in ejecting a cultivator, as he cannot thereby enhance his rent-roll, while he forfeits a substantial sum on each ejectment. It is thus the landholder's interest to retain a satisfactory cultivator, and he would only eject a man whose ejectment was worth paying for. So far then as the Act is adhered to, the cultivator has in practice an adequate degree of protection. Its weakness lies in the fact that if the landholder breaks the law nothing happens to him. In theory he can be sued for penalties for excessive enhancement, but no ordinary cultivator

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<sup>1</sup> This last provision is certainly anomalous. During the discussions it was felt that some check was necessary on arbitrary ejectments, and it was suggested that the principle of compensation for disturbance, in force in certain countries, should be adopted in Oudh; that is, that the landholder should pay the out-going tenant a sum of money at the time of ejectment. The talukdars accepted the idea of a pecuniary sacrifice, but were entirely opposed to any payment being made to the cultivator as tending to discredit their position in the eyes of the people. No such discredit could attach to payment of court fees, and so the matter was settled.

can sue his talukdar, and the kurmi or chamar holding land from a resident thakur zamindar or pukhtadar is perhaps in even worse case : he could not possibly stay in the village after taking his thakur into court. The success of the Act then, and with it the entire agricultural prosperity of Oudh, depends on its loyal acceptance by the bulk of the landholders, and on the gradual development of a public opinion sufficiently strong to coerce the dissentients. As we have said above, the lasting results of tenancy legislation take time for their manifestation, and it would even now be premature to pronounce the Act either a success or a failure<sup>1</sup> ; but its working requires the continued attention of all who are interested in Oudh, whether merely as students or as officials or landholders.

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<sup>1</sup> The passing of the Act of 1886 was undoubtedly coincident with a check in the growth of rents, which had been exceedingly rapid during the preceding decade, and there was a tendency in some quarters to claim this as a result of the legislation. Probably, however, a check would have occurred in any case : the rate of increase had been too rapid to be maintained, while the re-settlement of Oudh was due to begin about 1890, and it is common knowledge that enhancement of rent comes to a standstill when settlements are approaching. From 1894 to 1897 Oudh suffered from a run of very bad seasons (culminating in the famine year 1896-97) and a review of the rental statistics for the decade 1888-1897 would certainly show that the rate of increase in rents had been very materially reduced but would not show how far this was due to the operation of the law and how far to bad seasons and anticipation of settlements. The statistics of the next decade (1898 to 1907) indicate a marked upward movement in rents, and give some ground for uneasiness as regard the future.

One accidental result of the Act should be borne in mind : it stereotyped the range of rents prevailing on the various estates at the time it came into force, and it thus excites pardonable resentment in the minds of landholders whose predecessors had not brought their rents to an adequate level. Compare two adjoining estates : A, strictly managed, had in 1887, rents averaging Rs. 6 an acre ; B had been for some years in the hands of a lady and the rents stood at Rs. 4 per acre (the rent-collectors taking part at least of the

difference for themselves). The maximum average rents now chargeable on these estates would work out as follows :—

			A.	B.
			Rs. a. p.	Rs. a. p.
1887	...	...	6 0 0	4 0 0
1895	...	...	6 6 0	4 4 0
1903	...	...	6 12 4	4 8 3
1911	...	...	7 3 1	4 12 9

The holder of estate B has some excuse for envying A the position in which he is placed by the energy of his predecessors, and it is not easy to blame him for overstepping the limits imposed by the Act in his desire to increase his income ; on the other hand, the example of landholders in this position is apt to be followed by others without their excuse, and so bring the law into contempt.

## XII.—TENANCY LEGISLATION : GENERAL.

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The contrast between the tenancy system of the two provinces is worth looking at in the broadest aspect because it throws some light on the conditions which ultimately govern the problem of securing reasonable continuity of tenure for cultivators. As we have seen the problem has not been entirely solved by existing legislation, and its final solution in this way is highly improbable, since its conditions are affected by changes in both the economic and the social environment. The protection offered by the original Agra law was undoubtedly the more complete, and for this very reason it incurred the hostility of the land-holders to an extent that threatened to render it nugatory, since it became worth the while of large numbers of intelligent persons to find means of evading the law. Thus the successive amendments of Act X of 1859 may be compared to the work of a rat-catcher in soft soil; by the time he has stopped all existing holes the rats have made fresh ones, and while he is filling these they break out in another place. It is this process of gap-filling that has made the Agra Tenancy Act so complex, and complexity is by itself a very great evil in a law which governs the daily business of large numbers of ignorant people ; while, as we have seen, it became at last necessary to recognise leaseholds as a system alternative to the original conception. But the great indirect evil of the whole process has lain in fostering the false idea that the interests of landholders and cultivators are necessarily hostile to each other, an idea that is certainly current among many classes of the people at the present day.

In Oudh less has been attempted and much less has been attained, but perhaps the idea of hostility is there somewhat less prominent, and this must be set in part to the credit of the

law. On the other hand, there is no doubt that a landholder can evade the Oudh law if he chooses, and there are as yet few signs of a public opinion sufficiently definite and vocal to act as an effective check on such practices.

The crux of the whole matter is the inequality in position of the two parties to a contract of tenancy. The landholder is in a position to pick and choose his cultivators, but the cultivator must have land or sink to the position of a labourer. He will therefore stand almost anything rather than give up his holding, and Government can hope for little assistance from the cultivators in enforcing the laws it has made for their advantage. So far as one can see, the problem can be solved only by time. Some classes of cultivators are undoubtedly becoming conscious of their own importance, and as the country develops it is probable that their influence will increase until collectively they can meet the landholders on a more equal footing. And in the meantime it is possible to take much too gloomy a view of the situation. Study merely the statistics of rent-litigation and the proceedings of the rent courts, and one will be forced to the conclusion that things are in a very bad way. But this conclusion is negatived by a wider induction. Study the statistics of agricultural progress as a whole, and go from village to village learning at first hand the actual position of affairs, and one will soon realise that the unsatisfactory features are exceptional, that the bulk of the landholders are fairly reasonable people, and that the bulk of the cultivators are not deprived of adequate incentive to produce their best efforts. Existing laws have at least had considerable educative influence, and the opinion may be hazarded that the wisest course of the revenue administration in the near future is to legislate as little as possible, but to foster and support the more enlightened views of the duties of landholders, the spread of which is probably the best guarantee of security that the cultivator can obtain. How

far the administrator can carry the manifestation of his displeasure towards individual landholders, who set the law at defiance, is a question that each administrator must decide for himself in each case as it arises ; but it is not unreasonable that the Government should, through its responsible officers, show its opinion of those landholders who deliberately frustrate the policy which it has accepted.

### XIII.—LAND RECORDS.

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We may now return to the record of rights, which, as we have seen, originated as part of the proceedings at settlement, but has now an individuality of its own. So far as the assessment of revenue is concerned, a record is required only of areas, rents and landholders: but as soon as it was decided to recognise or create rights of cultivation, it became obvious that these rights also must be recorded. A written record is a great safeguard for illiterate people, and without something of the kind a court would be practically helpless in dealing with most of the cases that would come before it. Suppose, for instance, that in the absence of any record a question arose as to the number of years for which a cultivator had held a particular field, anyone with a slight knowledge of Indian courts will understand what the oral evidence would be. Three neighbours would doubtless be produced by each side to give evidence in the desired sense: all would make a very poor show under cross-examination, and in the absence of any accidental proof of a circumstantial kind there would be absolutely nothing for the court to go on. A written record is not conclusive, but it fixes the burthen of proof, which, in all such litigation, is more than half the battle, and in many cases it has the value rightly attached by lawyers to a record made in the ordinary course of business and before the pending dispute came into existence. Much might be written as to the necessity for a record of these rights, but the best way of attaining conviction on this point is to examine an ordinary day's work of a rent court, and see what it would be if there were no records as a starting point, and in addition

make allowance for all the cases that are *not* brought into court simply because the existence of the record makes their prosecution hopeless.

The forms and registers constituting this record have varied from time to time, but the essentials are registers of (1) landholders, and (2) cultivators, in each mahal, specifying the rights and liabilities of each, or in technical language (1) a khewat, and (2) a khatauni. The maintenance of these registers is prescribed by section 34 of the Land Revenue Act of 1901. The khewat constitutes the registers prescribed by clauses (a) and (d), while clause (e) is satisfied by the khatauni. The registers prescribed for Oudh by clauses (b) and (c) are the khewats of those subordinate proprietary rights which, as we have seen, were extensively recognised in the settlement of that province. The method of maintaining the registers prescribed by law is that the patwari re-writes them annually, incorporating all changes, but provision is also made for the occasional *revision* of the record. The essence of revision is *attestation*. This process denotes that an extract of the record is given on a slip of paper to each person concerned, and that all such persons have to appear before the officer charged with the duty of revision (the Record Officer or an Assistant Record Officer), and either admit or contest the correctness of the record. The officer investigates all matters of contest and frames the record accordingly, and thereafter the patwari maintains this record by re-writing it annually with all alterations until a fresh revision is ordered.

Hitherto a revision of records has been made only as a preliminary to a settlement. In some cases it has been found possible to make a settlement on the existing record, and this course is the simplest wherever the record has been maintained with sufficient accuracy to render it possible. In theory future revisions of records should be required only in exceptional cases, but the extent to which this ideal can be realised must depend

upon the efficiency with which the existing record is maintained from year to year.

In addition to the record of rights the patwari is required to maintain certain ancillary records. First there is the village map with each field numbered, which serves as the connection between the ground and the records. This has to be corrected year by year as field-boundaries change, and is only renewed when it is worn out. Next there is the khasra or field-book, giving a list of the fields as numbered in the map, with certain particulars about each. These particulars may be classed as (1) changes in cultivating rights (names of cultivators, rents, etc.,) which have to be entered in the khatauni ; (2) particulars regarding cultivation, crops and irrigation, which are added up to give the agricultural statistics of the village, and the resultant statements of area and crops filed in the tahsili. Again, there is the record of the rental accounts as between landholder and tenant, known as the jamabandi, which is now annexed to the khatauni. Connected with the jamabandi are two records of payments of rent—the siahā, which is primarily for cash rents, and the bahikhata which record payments in grain. In addition the patwari has his diary, and an order-book for the record of instructions.

As has been said above, the system of records has varied from time to time since it took approximately its present shape on the passing of the Revenue Acts (XIX of 1873 in Agra and XVII of 1876 in Oudh). The changes have been made as the result of experience, the object being to have the facts on record in the most convenient form, and secure against subsequent manipulation, while not overburthening the patwari with work. The table given on the next page will show the main records as prescribed in each successive edition of the rules. It will be understood that with some thousands of fields to a village, the volume of the patwari's work depends very greatly on the number

of times he has to enter facts regarding each field. The registers marked F in the list are (or were) kept in field detail, while those marked A. are abstract and deal with the holding of each cultivator as a unit:—

1877.	1883.	1890.	1901.	1909.
Khasra F. ....	Khasra F.	Khasra F. Khatauni F.	Khasra F. Khatauni F.	Khasra F. Khatauni Jamaban- di F.
Jamabandi F. ....	Jamabandi F.	Jamabandi A.	Jamabandi A.	...
Bahikhata-nakd F.	Bahikhata- nakd F.	Bahikhata- nakd A.	...	...
Khewat 3 copies.	Khewat 3 copies.	Khewat 2 copies.	Khewat 2 copies.	Khewat 1 copy.

Originally the particulars of every field were entered arranged by tenants twice over, once in the bahikhata-nakd, or cash ledger, and again in the jamabandi or final summary of the year. In the 1890 rules the khatauni was introduced to give full details of cultivators' rights, and thereby field-detail was eliminated from the other two records. By 1901 the uselessness of one of the latter—the old jamabandi—was recognised and it was abolished ; but its name was so popular that the bahikhata was rechristened jamabandi. Finally it was found possible to replace the large jamabandi by a few columns added to the khatauni, so that the three large records originally prescribed have finally evolved into two, the khasra, and the record of cultivating rights and rental accounts. The khewat was originally written in triplicate, but first one and then another copy has been eliminated.

There are several topics of interest that can most conveniently be explained in a description of one or other of these records, but before dealing with them a few words must be said as to the staff by whom the records are maintained.

#### XIV.—THE RECORD STAFF.

We have seen that the patwari and his village accounts were established institutions at the end of the thirteenth century. There are no authorities to show how far back his history extends, but the tendency of Indian village-life towards specialisation of function appears to be of very early growth, and probably the villagers always felt the need of some one to keep their accounts—precisely the position in which we first see the patwari. Akbar does not seem to have interfered with them (as the *Ain-i-Akbari* says very little about them), and at the commencement of British rule they were independent of the Government and absolutely the servants of the villages. They were not, as a rule, whole-time employees, nor did they in many cases receive a living wage. They were paid small sums in cash and received occasional perquisites, did the work of one or more villages, and cultivated land or found other means of subsistence in their spare time: their work consisted mainly in keeping accounts.

When the first attempt to make a survey and valuation of the country broke down about the year 1830, Government turned to the patwaris as the only indigenous agency with the necessary equipment of a knowledge of the alphabet, and used them to prepare its records of rights, and Government officers were constantly relying on them in all those numerous matters where local information is required; gradually therefore they came to be regarded as available for local administrative business, and, to a certain extent, as public servants.

About the year 1860, a drastic change was made in their organisation. Villages were then grouped in circles of sufficient size for the total of their customary payments to give something

like a living wage for one man, and one patwari was appointed for the circle, the others being displaced. Thus there was a patwari responsible for the work of each village, or group of villages, and entitled to sufficient remuneration to prevent the plea of poverty as an excuse for neglect of duties. The patwari had, however, to collect his own income from the various landholders of his circle, and this he was frequently unable to do since the circle organisation had made him (comparatively speaking) a stranger in some of the villages with which he had become connected. Soon a regular class of cases grew up in the tahsildars' courts, consisting of petitions from patwaris that they could not get their pay, and these cases were found such a nuisance that the collector of one district made all the landholders pay their share of the patwaris' salaries into the tahsili along with the revenue due from them, and paid it out to the patwaris. The convenience of this course was soon appreciated, for while it ensured that patwaris got their pay, it strengthened the tahsildar's authority over them, and it soon became the general practice of the province, and was recognised in Agra by the Revenue Act of 1873, which imposed a cess for the payment of patwaris and other expenditure on the records. The Act also marked the change that had gradually taken place in the patwaris' position, by declaring them to be public servants and their records to be public property.

Shortly after the passing of this Act, the organisation of the system of records was seriously taken in hand under the Director of Land Records (for a short time styled the Director of Agriculture and Commerce). Schools were opened in most districts with training classes for all existing patwaris and for the heirs who hoped to succeed them; rules were drawn up for the guidance of patwaris and for the supervision of their work; and gradually the machine was organised as it may be seen at work to-day. The standard of qualification has been somewhat

raised and the scale of pay considerably increased, while the rules have been subject to frequent revision, and the allocation into circles has been revised as necessity arose<sup>1</sup>; but the main lines laid down at the outset by the first Director—now Sir Edward Buck—have been adhered to throughout.<sup>2</sup>

From the point of view of the administration, the patwari is thus now a Government servant, paid by the State and doing the State's work, and almost the only signs of his origin are the powers of nomination possessed by landholders and the regard for hereditary claims to the appointment. But in the villages views have not altered so completely. There the patwari is still looked on as the servant of the landholders, is expected to help in rent-collecting and in the general management of the land, and in particular to side with the landholders against the revenue officers of Government. And the hereditary patwari tends to share these views: he finds himself with two masters, whose interests frequently appear for the moment to be in conflict, and his sympathies are usually with the landholder. It follows that the value of his work for Government depends almost entirely on the quality of the supervision that is provided.

It is not intended to discuss in this place the value of the patwari's work; officers must learn this for themselves by close contact with him. But one or two general remarks may be of use. It must not be thought that the qualities of the patwaris are uniform throughout the provinces. Almost every tract has its own features, and the contrast in the work and ability of the patwaris is usually one of the things most forcibly brought home to an officer on his transfer to a different part of the country. The masterful patwari of the Meerut division—

<sup>1</sup> As a rule, circles are re-allocated when a district comes under settlement.

<sup>2</sup> The special cess for paying patwaris has now been abolished and their pay is charged to provincial revenues.

at his best an official of the highest degree of competence, and at his worst a terror alike to the cultivators and to his immediate superiors—has to be handled very differently from the patient drudge that is common in Oudh, or the easy-going product of some of the southern districts. There are black sheep in all parts, but their methods of dishonesty differ as widely as their habits of thought. Again, though it has been said that the patwari usually sides with the landholder, cases are frequent where he sides with his neighbours, the cultivators, against an absentee landholder ; while the worst condition of all is when he takes sides in disputes among a numerous body of land-holders. It is a mistake to regard the patwari's salary as his whole income. A dishonest man has very wide opportunities of extortion, but apart from this, every patwari looks to land-holders and cultivators to pay him for the work he does for them, and in particular most patwaris receive a fixed quantity of grain at harvest from each cultivator, and are thus able to feed themselves and their families for nothing. Perquisites of this kind will continue to be paid while the present social conditions subsist, and there is no use trying to stop them.

Finally, it should be recognised that the patwari is seen at his worst in court, and an officer will form a very erroneous idea of the merits of the class if he judges them solely by their appearance as witnesses in litigation or as delinquents in disciplinary cases. To appreciate him rightly he must be seen in the villages, and account must be taken of the large volume and the almost pedantic accuracy of most of his work, and of his power of rising to an emergency. There is nothing more striking in the working of the administration than to see the patwaris mobilised for the census, for famine-relief, or for some other emergency, and many administrative triumphs would be impossible but for the docility and devotion of these subordinate officials.

It has been said above that the value of the patwari's work

for Government depends very largely on the quality of the supervision which is exercised over him. The immediate supervision is the duty of the kanungos, a class of officials with a history of some interest. Their origin appears to be unknown, but under the Mughal empire they are found discharging dignified and responsible functions as registrars of deeds and recorders of statistics regarding the revenue. As a rule one kanungo appears to have been appointed for each pargana<sup>1</sup>: the office was usually hereditary, and was remunerated by the grant of the revenue of certain villages. The office seems to have survived the period of disorganisation better than other sections of the Mughal bureaucracy, a fact which may perhaps be attributed to the conditions of its tenure; and the English found the kanungos usually in the position of zamindars of the villages which yielded their remuneration, and, as we have seen, made free use of the information they could supply in framing the early settlements of the revenue. Their position however deteriorated greatly during the first half of the nineteenth century: they were of course servants of the state, but there was nothing particular for them to do, and, to quote a contemporary description, they gradually drifted into the rank of "tahsili hacks"; they sat daily in the tahsil, ready to do any work which the tahsildar required in their pargana, and which he was unable or unwilling to attend to himself, and, judging by the same account, they did it very badly.

When the organisation of the records was taken in hand, it was recognised that the kanungos were the right officers to supervise the patwaris, and one of the first duties of the

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<sup>1</sup> The pargana as a unit of revenue administration is an old institution: the districts and tahsils are more modern arrangements, being as a rule the creation of the English administration. Under Akbar there were districts (*sarkar*), and divisions (*subah*), but their limits do not correspond to those which now exist.

Director was to sort them out so as to get the best value from the existing materials. Those who were practically illiterate, incompetent, and too old to learn were displaced—by their heirs if they could produce any ; the rest were passed in batches through training classes and were divided into two groups—the elderly and less active men were put in the tahsils to take charge of the necessary office work, while the young and active were given circles of superintendence and made responsible for the work of the patwaris within their circle, and the best man in the district was sent to head-quarters to assist the collector in the detailed work of the department. In this way originated the distinction between registrar, supervisor and sadar kanungos, which has gradually been made more exact, until the registrar is now mainly a statistical and record clerk, the supervisor is a responsible executive officer, and the sadar kanungo is the collector's staff officer for the record work of the whole district.

In the case of patwaris, the organisation of the department did not involve any great change in personnel ; that is to say, patwaris are still ordinarily drawn from the families in which the post was hereditary. The case is different with kanungos, and a few words are necessary to explain the development under this head. It was soon found that all kanungoships were not hereditary, and that some kanungo families had died out ; and as these rights were recognised from the outset to be a nuisance, it was decided to limit them as closely as possible. Lists were drawn up of the families which had a clear proof of hereditary right, and a single representative of each family was recognised. If the representative is dismissed for misconduct, the family loses all claim, and the same result happens if on his vacating office for other reasons no member of the family possesses the prescribed qualifications for the post ; if, however, there is a qualified representative, he is entitled to appointment, and the claim of the family continues

through him. The operation of these rules will naturally result in the eventual extinction of the claims, as no new claims can come into existence, and old families gradually die out, and the number now surviving is not large enough to cause serious administrative difficulties.

In order to ensure that the candidates, hereditary or other, should be qualified for their duties by a minimal knowledge of subjects such as surveying and revenue law, a departmental examination was instituted as a necessary qualification for appointment as kanungo. This step was inevitable at the time, but it led to unsatisfactory results, chiefly because the standard of the examination was not raised with the growth of educational facilities. By about 1895 it was actually easier to pass this departmental examination than to qualify for service as an ordinary vernacular clerk ; the examination therefore became popular with candidates who could get no other employment, and as admission to it was unlimited, the lists of qualified candidates were choked with men of very inferior abilities, and with slow promotion the prospect was that the supervisor kanungos would be old and inefficient before they secured an appointment. The declared policy of Government<sup>1</sup> was, however, to fill these posts with young and active men, and make them stepping-stones to higher appointments. The matter was eventually arranged as follows:—(1) The registrar kanungos and their assistants were put on the same basis as the other vernacular posts under the collector, and no special qualification prescribed ; (2) the appointments of supervisor kanungos were reserved in the first instance for diplomates of the Agricultural School (now the Agricultural College) at Cawnpore, and the existing list of qualified candidates was weeded in a very drastic fashion, and only men of proved efficiency retained on it. The result is that at the present

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<sup>1</sup> See the third Resolution of the set of Resolutions on the Proceedings of the Agricultural Conferences, issued in 1896.

time two very different classes of men are found working as supervisor ; there is the elderly man who has reached the summit of his ambition, ordinarily with an undeveloped intellect and inclined to take things easy, and there is the young diplomate at the beginning of his career, usually with a relatively keen intellect and his attention concentrated on his own promotion. Both classes have their faults and their merits, and it is necessary to appreciate the distinction between them in order to control them effectively.

## XV.—THE MAP AND KHASRA.

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We may now proceed to a short description of the various records and then pass on to the methods by which the administration endeavours to ensure their accuracy.

The village map is what is known as a cadastral map ; that is, it is on a scale<sup>1</sup> sufficiently large to show each individual field, and each of these has a distinctive number. The patwari has to keep this map up to date by plotting in new cultivation or other features, and showing changes in field-boundaries. The essential of the map is that it should show each field in its proper position and thus serve as an index to the land, while it is also desirable that it should be sufficiently accurate to enable the area of each field to be calculated from it. The existing maps thus fall into two classes—those that serve only as an index to position, and those that show both position and area, and the classes are mainly dependent on their origin. The old method of surveying was to measure a base-line in each village and build up the map on it, and it requires only a slight knowledge of surveying to understand that such maps may be very inaccurate, as even if the base-line is correctly measured errors are almost sure to accumulate in carrying the measurements outwards to the village-boundaries, so that the boundaries are incorrectly shown and the sizes of the outlying fields are also wrong. When the boundaries of maps made in this way are compared together, it is often found that they do not coincide, and the adjustment of disputes regarding

<sup>1</sup> The usual scale is 16" = 1 mile, but in places, notably parts of the Azamgarh district, the fields are so small that it has been necessary to map considerable areas on a much larger scale, in some cases 64 inches to the mile.

the boundary between two villages becomes a very difficult matter. Speaking generally the maps made in this way serve only as an index to the land. The larger part of the provinces<sup>1</sup> has, however, been surveyed on a more scientific system, the cadastral maps being based on what is known as a traverse survey; that is to say, the boundary of each village is fixed by a number of points on it accurately measured and connected with the main triangulation of the country. The cadastral surveyor thus starts with an accurate outline of the village, and errors made in filling in the details should come to light when the line he is working on reaches the fixed boundary. Such maps therefore are, as a rule, sufficiently accurate to give field areas. In time, however, they are liable to distortion, as the tracing-cloth on which the patwari draws them is apt to stretch, and a fresh error is thus introduced in each successive tracing. In questions of areas therefore it is usually necessary to have recourse to the original survey maps, of which the patwari usually has one, distinct from the traces by which he does his current work.

Map maintenance is usually a very simple business; the villages are already divided up into fields, and the patwari has only to show year by year the few changes that occur in the boundaries of these. He is, however, very apt to leave this undone until the changes accumulate to an extent that make the map almost useless. On the other hand, there are localities, where the work is very intricate. Thus there are villages, mostly in the northern districts, where large areas of waste land are gradually being broken up into fields. The patwari sometimes shows the first of these by guess-work, and gets his map into a hopeless state when other fields have to be filled in

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<sup>1</sup> The plains districts where maps are not based on a traverse are—Saharanpur, Muzaffarnagar, Bulandshahr, Etawah, Cawnpore, Fatehpur, Allahabad, Bijnor (part), Budaun, Lucknow, Unao, Rae Bareli, Sitapur, Hardoi, Fyzabad, Sultanpur, Partabgarh and Bara Banki.

round the incorrect entries so made. Again, in the river valleys, floods and deposits of sand often obliterate the field-boundaries if the land is not actually washed away, and the maintenance of maps becomes very difficult and in a few cases impossible. Finally, there are the cases, common in parts of Bundelkhand, where field-boundaries do not exist and cultivation fluctuates, fields being carved out of the waste without reference to the position of those that preceded them. In this case too maintenance of the maps becomes almost impossible.

Little need be said about the khasra. It is essentially a note-book to contain facts required for the khatauni and figures for the agricultural statistics. When the record system was organised, attention was necessarily concentrated at the outset on getting the khasra correctly written until a tendency arose to regard the accuracy of the khasra as the most important feature of the records. This tendency has had injurious results as many facts got into the khasra and stopped there, which should have gone into the khatauni. At the present time therefore special attention is required to ensure the accuracy of the latter register, which is the legal record of cultivating rights.

A few words must be said regarding the unit of area. The indigenous unit is a square called bigah, divisible into fractions, each of which is one-twentieth of the next higher part. The fractions in use as measurements are the biswa or katta (cottah) ( $\frac{1}{20}$ ), and the dhur or biswansi, ( $\frac{1}{400}$  of a bigah). Below the biswansi the series goes on indefinitely with kachwansi, unwansi, tunwansi, etc.; these smaller fractions are not used in measurement, but as we shall see under the khewat they are used for fractional notation. Unfortunately the size of the local bigah varies not only from district to district but from village to village and sometimes even within the same village. Thus a cultivator may know that his field contains so many bigahs, but he cannot thereby compare it with anyone else's field.

The most usual size is about one-fifth or one-sixth of an acre.<sup>1</sup> The Mughal administration found these local bigahs useless, and introduced larger and more uniform bigahs, which are now known as pakka bigahs, while the local unit is kachchha. These pakka bigahs<sup>2</sup> were adopted in the early English surveys, but unfortunately they also are not uniform over the territory now comprised in the province, and they have not, as a rule, been adopted by the people. They are therefore now practically discarded, and all new surveys are made with the Gunter's chain of 22 yards and the result stated in acres and decimals,<sup>3</sup> a system which may, perhaps, ultimately win universal acceptance. Meanwhile the records show (1) the official measurement in acres (or in pakka bigahs, where an acre-survey has not been made); (2) the traditional size of the field in kachchha bigahs where used; and no confusion results in practice, provided officers take care to ascertain the unit which is used in the particular records before them.

<sup>1</sup> Even in the same field the bigah is not always the same size. In parts of Rohilkhand, where rents are calculated at so much a bigah, enhancement is sometimes made not by raising the rate per bigah, but by announcing that a certain field contains, say, seven bigahs instead of six, the actual area to western eyes remaining unaltered, but the size of the unit being diminished.

<sup>2</sup> The common pakka bigahs are (*a*) the square with a side of 55 yards, having an area of 3,025 square yards, exactly  $\frac{1}{6}$  of an acre. An acre is then 32 biswas, and the fraction  $\frac{1}{6}$  or  $\frac{1}{32}$  is the most convenient multiplier for transposing acres and bigahs. (*b*) The square with a side of 52½ yards, being practically  $\frac{1}{6}$  of an acre; an acre represents 35 biswas on this scale. There are other bigahs, both larger and smaller, but they are comparatively rare.

<sup>3</sup> Readers will recollect that a square chain of 22 yards is 484 square yards or  $\frac{1}{4}$  acre, so that an area stated as 2.3 acres is two acres and three square chains. In practice it is found sufficient to state the area to two places of decimals. Patwaris have an inconvenient way of disregarding a zero in the first place of decimals, thus 'dismal 8' as the patwari speaks means '08, not '20, which he describes as 'dismal assi.'

## XVI.—THE KHEWAT.

The khewat is the register of landholders, and is drawn up to show all the persons liable to pay revenue (or who would be liable if the land had not been freed from revenue). It is equally a list of persons in proprietary possession of land, as the two notions are identical, but its essence is a list of the persons from whom the tahsildar is to collect the revenue, and it must always be remembered that it shows possession and not proprietary right. A man with a perfectly good title must also get possession before he is entered in the khewat, since revenue is due only from persons in possession. There is a separate khewat for each mahal, since the mahal is the unit of revenue-assessment, and all sharers in a mahal are jointly and severally liable for the revenue assessed on it.

There are three main varieties of tenure, which are usually described as zamindari, pattidari, and bhaiyahara, but the latter terms are often used somewhat vaguely, and it is more important to know the actual constitution of any mahal than the label that happens to have been applied to it at settlement. The simplest case is where there is only one landholder for the whole mahal; the tenure is then correctly described as single zamindari or zamindari wahid, and the share of the landholder is stated as 16 annas, or 20 biswas, according to the fractional notation current in the locality. It is still technically zamindari wahid, although some particular area within the mahal may be owned by another person. For instance, a small plot may have been sold as a site for a house and garden, or have been bought by Government for some purpose such as a road or railway. These areas are commonly called specified plots<sup>1</sup>

<sup>1</sup> There is a great variety of vernacular names for these: among the commoner are haqiyat muta-farrika, milk, arazidari.

and are entered at the end of the khewat, with the revenue (if any) due from them separately detailed.

Now, if we suppose that a single zamindar is succeeded by his four sons in equal shares, and that they decide to manage the mahal as a joint concern, the khewat will show the names of all four in one entry, each holding a four anna or five-biswa share, and the tenure will then be zamindari bil-ijmal, or joint zamindari. If the sons decide to manage the mahal separately they have two courses : they may obtain leave (subject to the law) to partition, or break up the mahal into new mahals, and if this is done four single zamindari mahals would re-place the former mahal, and each man would have a 16-anna share in his own mahal ; or they may (and sometimes must if a perfect partition is not permitted) leave the mahal intact as a unit, and therefore remain jointly and severally liable for the whole revenue, but divide up its land among themselves and each be singly responsible (to the others, but not to Government), for the share of the revenue due from his land. This proceeding will give the simplest form of a pattidari mahal.<sup>1</sup> The word "patti" indicates a sub-division, so that a pattidar means a man who is in possession of a

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<sup>1</sup> The text is intentionally ambiguous as to the procedure to be followed in this latter case because the matter is not clear. The Land Revenue Act provides for the formation of pattis by the process of imperfect partition, but there is no reason why landholders should not, for their own convenience, divide their land into pattis without troubling the courts; whether a private imperfect partition of this sort must be—or can be—recognised by the revenue administration is doubtful from the legal point of view. Recognition is certainly advisable because the records should shew the facts.

The use of the words "perfect" and "imperfect" in two senses in this connection is confusing. A perfect partition produces new mahals, while an imperfect partition may produce new pattis in an existing mahal. An imperfect partition may produce either perfect pattidari or imperfect pattidari tenure, the latter resulting, if any property is left undivided, as common to the different pattis.

sub-division of a mahal, and patti-dari denotes the tenure in which such sub-divisions exist. In the case given, the khewat would now contain four main entries, one for each pattidar, stating his share of the mahal and area and the revenue represented by it (e.g. Ram Narain, son of Ram Baksh, Brahman, resident of the village—four annas—52 acres—Rs. 81 revenue). Supposing these sharers to have divided the whole mahal, the tenure would be perfect patti-dari; but this tenure is comparatively rare, since it has usually been found convenient to keep some of the land common, for instance the inhabited site. In this case, there would be a fifth entry in the khewat, common property (shamilat) of the mahal, with the area (and revenue, if any); and where there is property common to two or more patti-s, the tenure is imperfect patti-dari—that is to say, patti-dari imperfectly carried out.

Now there has hardly been time for a single zamindari mahal recognised at one of our early settlements to develop into a really complicated case of patti-dari. These have arisen where the settlement was made with the cultivating community, and the khewat was drawn up to record the existing constitution of the community. Such communities are by their nature fissiparous; they divide first into a few main groups, and each of these divides within itself, the main groups being usually designated thok or taraf, and the smaller groups patti, though this nomenclature is not universal; and there may be property common to any two or more patti-s, to all the patti-s of a thok, to two or more thoks or finally to the whole mahal. There may also be specified plots in each patti or among the common land. So far as can be inferred, it seems probable that in many cases this sub-division has gone hand in hand with the breaking up of land for cultivation. The cultivated land would at first be divided into patti-s and held in severalty, while the uncultivated waste would remain joint property. Then as the waste was broken up, either fresh patti-s were formed, or the

land was added to the existing pattis of the cultivators, or it remained joint, the cultivators of it accounting for its rent to the rest of the community. The arrangements made must also have allowed for differences in quality of the land, and for these and other reasons it is often found that the actual area of a patti is different from what is indicated by its fractional share. Readers who wish to get a just idea of a pattidari khewat should go through a few khewats of moderate complexity, seeing how the land of the mahal is accounted for, and if they get the chance they should hear the village traditions, (probably in the main true, even if embroidered with picturesque detail), as to the origin of the various sub-divisions.

This sort of sub-division of the unit mahal involves the use of some elaborate system of fractions to show the share of each pattidar, and various systems are used by the people. In the commonest, the rupee or the bigah is used as the unit ; the bigah is sub-divided, as we have seen, in stages of one-twentieth, while the rupee is sub-divided (more conveniently for practical use) into stages of varying value, which again differ in different localities. A common series is anna ( $1/16$ ), pie ( $1/12$ ), jau ( $1/3$ ), krant ( $1/20$ ), til ( $1/12$ ) ; but in practical work it is necessary to ascertain the scale used in the khewats of the district.<sup>1</sup> Under the school of law applying to most Hindus in the province each male survivor in a joint family is entitled to an equal share in the joint property. Mohammedans however inherit in uneven shares according to the rule of their law, and some Hindus have also special rules giving unequal fractions to individuals, so that the arithmetic gets more and more complicated as time goes on. Then pattidars transfer their fragmentary shares bit by bit, the

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<sup>1</sup> In a few cases, the khewats have been drawn up in vulgar or decimal fractions on European lines. The fractions thus obtained are appalling (one til on the scale given above is about  $\frac{1}{138,000}$ ) ; and as the notation is unfamiliar to patwaris, copying errors are more numerous than with the indigenous system.

new owner steps into the place of the old, and so the khewat gets longer and longer, and if great care is not taken in recording the changes errors of both position and magnitude multiply until almost hopeless confusion results.

The remaining form of tenure is that known as bhaiyachara. Its distinguishing feature, when the term is correctly used, is the division of the land by actual areas and not by fractional shares of the mahal. In other respects the organisation of the community resembles that of a pattidari mahal, but the right of a sharer is stated at so many bigahs of land paying so much revenue ; the bigah used being probably a unit peculiar to the community in each case. Putting official nomenclature aside, there is good reason to think that the natural bias of most of Oudh and the eastern districts is towards division by land, while that of the west is towards division by fractional shares ; and it is perhaps doubtful whether the "shares" found in some eastern khewats are not official introductions. Small landholders in the east habitually mortgage and sell their land field by field, while those of the west mortgage or sell by the minimal fraction of the mahal, (so much is this true that in Oudh and Azamgarh a supplement to the khewat is prescribed for the record of mortgages of particular fields) ; and, more generally, the sense of the community of the sharers and of the unity of the mahal seems to be more definite in districts like Meerut than in the east, a fact of which the explanation is no doubt historical.

Enough has, perhaps, been said to give a general introduction to the khewats. In administration each must, of course, be handled with a knowledge of how it was framed and on what units ; while officers with any leisure would find a fruitful and interesting study in the comparative constitution of different communities and in the fragments of an earlier stage of society which are embedded like fossils in these registers. There are, however, a few subsidiary points on which a word of explanation may be convenient.

*Sub-settlement Khewats.*—These are prescribed for Oudh and are kept for some mahals in Agra, which are held in sub-settlement. They are similar to the khewat in all respects except that they show not the revenue, but the amount payable to the superior proprietor. Holders in sub-settlement can transfer their land, and this tenure is gradually decreasing, because superior proprietors like to buy it up when it comes on the market and the two rights then merge in undivided zamindari.

*Under-proprietors' Khewat.*—This is a register of the rights decreed in the Oudh settlements, usually to persons who had more or less claim to the settlement of a mahal. When the claim could not for any reason be recognised, the claimants were usually given an under-proprietary right in the land which they held in separate possession. They can, and do, sell and mortgage these rights so that changes in the record are numerous. The right is absorbed by the landholder purchasing it, and therefore the total area recorded under this head should show a gradual decline, as new rights cannot now arise and old rights may become extinguished.

*Complex mahals.*—A complex mahal exists where several villages (or portions) are held under a single engagement to pay the revenue. This is the case with talukas in Oudh, but from this point of view these cause no trouble in administration as there is only a single proprietor; it is also the case with a few areas in the eastern districts where extensive communities had grown up managing their land as a whole and over-riding the distribution into villages. In these cases a landholder's property may consist of very minute shares in each of say 94 villages, and it becomes very hard to find out who is landholder and who tenant of any particular holding. These complex mahals are an undoubtedly nuisance in the revenue administration,<sup>1</sup> and

<sup>1</sup> The chief trouble arises in connection with the realisation of the revenue; in order that the tahsildar may know who is to pay the revenue, it is often necessary for the patwari to prepare a special record known as the *bachbandi*, showing the liability of each sharer.

power to break them up was taken in the Land Revenue Act; but the power has not yet been used, and the operation would be so intricate and delicate that it is not likely to be undertaken until things become intolerable. The communities in question are as a rule remarkably co-herent, and competent to manage their own business.

*Changes in the Khewats.*—The khewats differ from the other records kept by the patwari, in that he has no power to alter any entry. All changes require the orders of the tahsildar or a superior revenue court, and can be ordered only after a judicial proceeding. We shall return to this point in dealing with the work of the revenue courts.

## XVII.—LAMBARDARS.

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Connected with the khewat is the rather obscure subject of lambardars. The term apparently originated under British administration, but the idea is much older, being that of the representative chosen by cultivators to act in their dealings with Government. Under the zamindari system, the lambardar represents the landholders ; and even in a single zamindari mahal it is not uncommon to find the sole landholder recorded as the lambardar to represent himself. Lambardars are expected to collect the revenue of the mahal from the other sharers and pay it into the treasury, and the brunt of processes to collect the revenue must be borne by them : on the other hand they have a position of some dignity, and are usually allowed to collect a percentage on the revenue from the sharers and also to charge them for reasonable village expenses. They are nominated by the sharers, and it shows the value of the position in the eyes of the people that strong coercive measures may sometimes be necessary in order to force the sharers to make a nomination—(see sec. 45, Land Revenue Act of 1901).

The fact is that where the landholders of a mahal are divided by quarrels—and this state of affairs is very common—the privileges of the lambardar are not sufficient to compensate him for the drawbacks of his position. The tahsildar requires him to pay up the whole revenue the day it falls due, but the hostile sharers do not account for their contributions in due time, and often leave him to sue for them—a process by which he is almost sure to suffer in pocket. In theory the lambardar should collect all the rents due in the mahal, but in practice customs have often grown up under which particular sharers collect certain rents and account for them to the lambardar ;

while in genuine cultivating communities the cash rents are often insufficient to pay the revenue, even if the lambardar collects them in full ; the bulk of the land is cultivated by the sharers, and the revenue due from the sharers' cultivation is in such mahals a subject of recurring contention. It is probably true to say that on the whole divergencies of interests are increasing among the cultivating communities, and that the custom of separate rent-collections by the sharers is getting more common : both tendencies are natural results of the existing social position, and their increase makes the position of the lambardars as a whole less and less attractive.

Government is, however, closely interested in maintaining the lambardari system, because of the facility and certainty it brings in the collection of the revenue. It is almost beyond the power of the tahsil establishment to collect accurately and punctually the very large number of insignificant sums which make up the aggregate revenue due from the cultivating communities, and the value of representatives with whom to deal is as great now as it was in the days of Akbar. Recent revenue-literature is accordingly full of complaints of the difficulties caused by the threatened breakdown of the lambardari system, the main symptom of which is the refusal of responsible sharers to accept the post. As has been said, the present Land Revenue Act provides for coercion in such cases, giving the collector power to assume direct management of the mahal (that is to administer it kachchha), until the sharers agree on a representative ; but measures of this kind are of course inadequate to counteract a tendency which is the product of existing social conditions, and the question is at the present time unsettled and forms one of the problems that confront the next generation of administrators.

The difficulty of getting lambardars to act is much more widespread in the east of the province than in the west, a fact that is no doubt correlated with the greater tendency to

individualism which, as we have seen, is characteristic of the former locality, and there is some reason to think that as applied to some parts of the country the expression "break-down of the lambardari system" is a misnomer. The system undoubtedly existed in some areas before the introduction of British rule, but it is open to question whether it existed in (e.g.,) the Benares division, or was merely superimposed by English administrators on the indigenous individualistic organisation, and has remained as a paper-arrangement only: certainly the methods of revenue-collection as they have developed in the East place much less reliance on the lambardar than those traditional in the western districts. The point is somewhat obscure, but for practical purposes it is sufficient to know that, while the difficulty of getting lambardars to act exists in most places, it has recently been most widespread and acute in the eastern districts.

## XVIII. —THE RECORD OF CULTIVATING RIGHTS: CLASSES OF TENURE.

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We may now turn to that portion of the khatauni-jamabandi which contains the record of cultivating rights. The general arrangement is simple: the name of each cultivator in the mahal appears under his class of tenure, and opposite his name is shown the number and area of each field he holds in that class and the rent of the holding, on whatever system it may be fixed, together with a few other particulars required in certain cases. The subject of interest in this record are (i) the classes of tenure, and (ii) the rental-systems.

The classes of tenure in Agra differ in some respects from those of Oudh in accordance with the different tenancy laws in force, but the main heads of the khatauni are similar for both provinces. All the land of a mahal is grouped in Part I as (a) held for cultivation; (b) waste land capable of cultivation, and (as a rule)<sup>1</sup> retained in the landholder's management; (c) barren land; while intermediate between (a) and (b) is the record of miscellaneous income of the mahal which is treated as rent. Under the first head come in succession landholders' cultivation, tenants' cultivation, and rent-free grants, these three heads comprising all the land that is held for cultivation. Part II shows the subordinate rights in land already included in Part I, mainly those of sub-tenants, that is, persons who have taken land from a tenant.

Landholders' cultivation in both provinces is of two classes—sir and khudkasht. If a landholder cultivates land of which he

<sup>1</sup> An exception is found in tenants' groves which are dealt with further on in this section: more rarely there are cases where an area of grazing-land has been let with separate possession.

has proprietary possession it is khudkasht (or in Hindi nij-jot, both terms meaning personal cultivation) : but certain khudkasht lands are classed as sir, and the landholder has special privileges regarding them. Sir is rather an intricate subject ; the term is elaborately defined (separately for the provinces), in the Land Revenue Act, and it carries special privileges both under the assessment rules and under the tenancy law ; like some other institutions we have mentioned it is gradually disappearing because land can cease to be sir, but no new land can become sir<sup>1</sup>.

The origin of sir is two-fold. In a cultivating community it is the land which by the custom of the particular community is recognised as the special holding of one of the sharers ; that is to say, in the internal arrangements of such a community it is usually the case that certain lands are recognised as the sir of each sharer, for which he either does not account to the community, or if he does it is at a customary rate much below the current rental-value of the land. If the sharer cultivates land in addition to his sir, his position towards the rest of the community is that of a tenant, and he has to account for the rent at something like the letting-value ; it is his khudkasht but not his sir. Thus sir cannot be distinguished by any objective considerations : it is what the community has in the past treated as sir, and nothing else, and Government's only concern has been to find out what the community treated as sir and to record it accordingly. The second kind of sir seems to have originated in the practice under which zamindars (that is intermediaries between the State and the cultivator) were allowed to cultivate certain land on specially favourable terms as part of their remuneration for acting as intermediaries. The right was recognised in the early settlements on the basis of

<sup>1</sup> The growth of sir stopped in Oudh with the passing of the Oudh Rent Act in 1886 ; in Agra the right continued to accrue until the passing of the Land Revenue Act in 1901.

possession for a term of years, and landholders were allowed to acquire it by continuous occupation of land (for twelve years in Agra, and for seven years in Oudh) until a comparatively recent period. Here again there is no clue to sir except a knowledge of what the State has treated as sir in the past.

The right of sir is very highly valued by the landholders : it has a sentimental value and also practical advantages. In assessment, its valuation is usually reduced by something like one-fifth or one-fourth before the revenue is fixed, thus maintaining the idea that sir is special remuneration to the landholder for his services ; while if it is let to tenants occupancy rights cannot accrue in Agra, nor do the terms of the statutory lease apply to it in Oudh. Thus a landholder is practically free to do what he likes with his sir land ; he can cultivate it himself, or can let it to tenants for any term, and for any rent that they agree to pay<sup>1</sup>.

Thus land standing in the name of the landholder as sir is a valuable asset ; other land which he cultivates as khudkasht has fewer privileges ; it is often treated leniently at settlement, but if it is let to tenants the ordinary tenancy law applies and the fact that it was once khudkasht is irrelevant. It must, however, be remembered that the patwari is not entitled to record land as sir ; this can only be done at a revision of records, and where a revision has not recently been made, it is necessary to remember that land recorded as khudkasht may be sir if it was recorded as cultivated by the land-holder—in Oudh for seven years continuously before 1886, and in Agra for twelve years continuously before 1901.

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<sup>1</sup> In practice, the sir of a small landholder is often the most important part of his property : it supports him, while the rents of the rest of his land do little more than pay his revenue. A large landholder often lets his sir (which is usually good land) to market-gardeners for very high rents. Sometimes, on the other hand, it is used in a way approximating to the English home-farm, and as such it may be of the utmost value in setting an example to the cultivators of the neighbourhood.

In practical work it is convenient to know that sir is often, perhaps usually, the most productive land in the village as the early holders (of either kind) naturally chose the best land. Khudkasht, on the other hand, is often inferior: sometimes it consists of lands thrown up by tenants as unremunerative or of land which is—strictly speaking—on the margin of cultivation; it just pays the landholder to work it if he has time and stock to spare, but gives no surplus which a tenant could pay as rent.

Holders of land in sub-settlement have sir in the same way as ordinary landholders, and in Oudh much of the under-proprietary land has the same privileges as sir and goes by the same name; indeed in rural parts of Oudh the term sir is used to describe an under-proprietor's holding, so that it is necessary to be on one's guard against confusing the legal and the popular senses of the word.

With khudkasht it is usual to class land taken into his own cultivation by a lessee of rents (thekadar); a thekadar sometimes likes to take up land to add to his profits and he sometimes cultivates holdings that have fallen vacant, but he does not thereby acquire the ordinary rights of a tenant.

We may now turn to the classes under which is grouped the land held by cultivators who are not landholders in the mahal. These classes are as follows:—

<i>Agra.</i>	<i>Oudh.</i>
Permanent-tenure holders.	Occupancy tenants.
Fixed-rate tenants.	Ex-proprietary tenants.
Ex-proprietary tenants.	Other tenants.
Occupancy tenants.	
Tenants on seven-year leases	
Other tenants.	

The first two classes in Agra are found only in the permanently-settled tracts of the Benares division. It will be remembered that the early English administrators looked

on the land revenue as a land tax of the kind with which they were familiar in England—that is, a tax fixed once for all. Accordingly, the revenue was permanently settled in Bengal and in the Benares division which came under British rule at an early period. The intention to settle the revenue of the rest of Agra in the same way was stated on several occasions, but action was postponed owing to the disorganisation of the country, which made it impossible to estimate a fair revenue ; and by the time when adequate data had become available, truer ideas of the nature of the land revenue had found acceptance, and the idea of a permanent settlement passed out of practical politics. In Benares, however, it existed, and it was decided that the old tenants (those who had held continuously since settlement) should share in its benefits : they were therefore declared to be fixed-rate tenants ; that is to say, the landholder cannot enhance their rents (except in very special cases), or eject them so long as they are not in arrears, while they can transfer their holdings at pleasure. The permanent-tenure holders are a very small class of persons who at settlement were recognised to have rights intermediate between the landholder and the tenant. They pay only a fixed sum to the landholder and receive the tenants' rent. Their position is therefore analogous to that of holders in sub-settlement, and possibly this would have been their position had the Benares settlements been made at a later period.

The ex-proprietary tenant is purely a creation of English law. Administrators have always felt compassion for the landholder who lost his land, either by being sold up for arrears of revenue or by getting into debt for other reasons ; such men have no other source of livelihood, and in practice they usually developed into gang-robbers or dacoits. The law now is that a landholder who loses his proprietary rights becomes *ipso facto* a tenant of his sir, of any khudkasht which he has cultivated continuously for twelve years ; his rights are

those of an occupancy tenant in Agra, and in addition he pays a reduced rent. The arrangement is highly unpopular with the classes who purchase land, because a bankrupt landholder is usually a bad cultivator and almost invariably a bad rent-payer ; it is also at variance with the interest of Government in keeping the land at a maximum of productivity because it keeps highly productive land in the hands of inefficient producers ; it is in part a concession to the unfortunate, and in part a measure of police.

The ex-proprietary tenant is found both in Agra and in Oudh. In Agra he was recognised formally by the series of tenancy acts, but the Oudh Rent Act took no notice of him until 1901, up to which period the rights rested on an incidental provision in another law (section 25 of the Oudh Laws Act of 1876). The Oudh occupancy tenant is also an ex-proprietor, but one of a limited class of persons<sup>1</sup>; the creation of this class is due to historical causes and admission to it is no longer possible.

The origin of the Agra occupancy tenant has been explained in section X ; it is unfortunate that the expression "occupancy tenant," which in Oudh means a particular class of ex-proprietors, in Agra indicates the mass of the established tenants ; but the use of the term dates from the period when the two provinces were distinct, and it is too late now to alter. One point of importance connected with the Agra occupancy tenant is that the patwari is not permitted to record the formal accrual of the right ; this is done only at a revision of records, or under the order of a court in a particular case ; in the meantime the patwari goes on recording the number of years during which the tenancy has continued, so that in cases where the records have not recently been revised entries may be found of non-occupancy tenants holding for thirty years or

<sup>1</sup> See the rule in section 5 of the Oudh Rent Act defining the conditions in which the right accrued.

more. Of course the courts recognise in all such cases that occupancy rights have come into existence, and the record is sufficient for all practical purposes. The point is important as illustrating the principle on which the work of the patwari is determined—he has to record plain facts and not to think about their legal significance. The same principle is found in the prohibition of new entries of sir, the record of khudkasht continuing until the records are revised.

Thus in Agra the list of other tenants includes both the tenants who are still in the probationary period and those who have passed through it but have not yet been formally recorded as holders of occupancy rights. (The new class of leaseholders recognised by the Act of 1901 are, of course, grouped by themselves.) Similarly in Oudh the class of other tenants includes all those who have not ex-proprietary or occupancy rights. The great majority of these tenants have what are called statutory rights; that is to say, their rights and liabilities are those stated in the Oudh Rent Act as the ordinary conditions of a holding. There are a few cases where these conditions do not apply,<sup>1</sup> but the patwari is not required to concern himself with them: here, too, he has to record the bare facts only.

It must, however, be understood that in any place a tenant may be found who has (whether by his lease or by custom) special privileges in addition to those common to his class; for instance, an Agra occupancy tenant may have special privileges regarding the amount of his rent, or an Oudh tenant may not be liable to summary ejection at the end of seven years. Such privileges are, of course, recognised by the courts: the patwari is expected to note their existence in his khatauni, but the record cannot be regarded as complete in this respect, and a tenant who alleges such a privilege is

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<sup>1</sup> E.g., when land is vacated by the death of the tenant, there is no limit to the rent at which it can be re-let.

entitled to a careful investigation since the allegation would not usually be made without some sort of justification.

Following the various classes of tenants, the khatauni shows the holders of land under rent-free grants. These are of two classes—free grants (*muafi dādā zamindar*) and service grants (*muafi khidmati* or *chakurána*). The free grants are usually of a religious or charitable nature, given to priests or mendicants, or for the support of places of worship, so much so that they are commonly spoken of as charitable grants (*muafi khairati*): when given to a priest, however, they usually connote the idea of worship for the religious benefit of the grantor. Once given, such grants cannot be resumed at pleasure, but they can be resumed or assessed to rent, or converted into landholding rights in the circumstances laid down in Chapter X of the Agra Tenancy Act, the provisions of which Chapter have been incorporated in the Oudh Rent Act. As we have seen, these provisions of law are necessary to prevent any divorce between the land and the revenue due from it; but there is usually a distinct social stigma attaching to the resumption of such grants, and proceedings under these sections are rare. It is important to see that land is not recorded as grant unless it is the landholder's intention to grant it. It is very common in some parts of the country to find fields cultivated by men who do not know what rent they have to pay—sometimes they are trespassers and at other times they have been satisfied with leave to cultivate and have left the rent to be settled later. Such holdings are properly recorded under "other tenants," the land being shown as "unrented" (*bila lagan*) or "rent undetermined" (*bila tasfiya lagan*), until an arrangement is come to regarding the rent.

The second class—that of service-grants—approximates more closely to tenants' holdings; the practice of giving them reaches far back into history, and it is the traditional method of remunerating (in part at least) certain artisans and servants

who are required for the convenience of the village. Thus a potter may be established in a village by the grant of a few fields to cultivate, and he will then supply earthen vessels to the village at customary rates; or the village-messenger (gorait) is always available for odd jobs in return for the land he is allowed to cultivate. Such grants are valid only so long as the services are performed, and the holder can be ejected if he fails to render them.<sup>1</sup>

The foregoing classes will be found to account for all the land of a village which is held for purposes of cultivation, whether by landholders, by tenants or by grantees. The next item in the records is the miscellaneous income of the mahal, known as sayer or siwai, and described more or less correctly in English as manorial dues. It is variable in amount and its sources are very miscellaneous, and for this reason it is an interesting subject to discuss with an old zamindar. The income may accrue from the products of uncultivated land—timber, firewood, berries, thatching-grass, grazing-dues, fisheries, kankar (lime), saltpetre, etc.; or from strangers (that is persons other than cultivators) using the conveniences of the village, e.g., market dues, rent of houses or camping grounds, ferry-tolls and the like. The settlement rules indicate what classes of miscellaneous income are regarded as assessable to revenue, but the present tendency is to leave them to the landholders unless they are considerable in amount and regular in their nature, as, for instance, the yield of a substantial area of jungle kept for firewood.

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<sup>1</sup> The distinctions between tenancies, charitable grants, and service grants are clearly indicated in the law, but in the easy-going life of the villages they are apt to get blurred, and perplexing cases may sometimes arise. Considerable discussion for instance was aroused in one village on the question whether the land held by the zamindar's prostitute should be classed as muafi khairati or muafi khidmati.

The next main group of entries in the khatauni comprises the lands that are suitable (theoretically) for cultivation, but are not at the time let for that purpose ; the classification is fallow, waste, and groves. Fallow (parti) is land which has been cultivated, but is now unoccupied : for three years it is classed as new fallow (parti jadid), and thereafter as old fallow (parti kadim). Some of the new fallow is usually of value, consisting of fertile land that has fallen vacant owing to accidental causes, but the old fallow is as a rule land that has failed to pay for cultivation. The waste (banjar)<sup>1</sup> is the land that looks culturable, but that no one has yet tried to cultivate ; it is very rare except in the thinly populated areas on the outskirts of the province. Such land is occasionally let for grazing and treated as a tenant's holding ; more usually it is open free to the people of the village, but where the extent is sufficient outsiders also are allowed to put on cattle at a fixed fee which is treated as siwai.

Groves call for rather more detailed mention. The more enlightened governments of the past seem uniformly to have approved of the plantation of trees like the mango and the mahua, which yield fruit<sup>2</sup> for a long period of years, and the predilections of the people are all in the same direction. Members of cultivating communities have in most cases maintained a considerable grove-area, individuals planting up portions of the waste with the consent of the other sharers. These landholders' groves do not introduce many complications in the administration, though the village customs affecting them, which are recorded in the wajib-ul-arz, are usually

<sup>1</sup> Formerly the records endeavoured to distinguish between waste with regular tree-growth (Jangal), waste with scattered trees (darakht-dar) and other waste, but the distinction has been abandoned as unfruitful.

<sup>2</sup> The mahua yields both flowers and fruit ; the flowers are used for food and other purposes, while the seeds of the fruit supply a valuable oil.

interesting and sometimes of practical importance. But difficult questions often arise regarding groves planted by tenants (baghát raiya). Village-customs differ greatly regarding these, and the wajib-ul-árz must always be consulted. It is hard to generalise amid the divergency, but it is perhaps safe to say that in the greater part of the province a tenant who has obtained leave from the landholder to plant a plot as a grove is entitled to the produce of the trees so long as they stand, and to their timber when they fall, and also to occupy the soil on which they stand (cropping it or using it for grazing). Disputes are not uncommon as to what happens to a grove when a tenant is ejected from his cultivated land, and these have to be decided on the recorded custom of the village; but in some parts of Oudh, the holding of a grove gives a man a moral claim which it is unusual to disregard to hold enough land in the village for his support. Even where this is not the case, the sentimental value attached to groves is such that people will fight for them even more keenly than for their cultivated land.<sup>1</sup>

In the khatauni the holder of the grove is named and the plots described. The rent is also shown in the exceptional cases where rent is charged. The rules do not require a record of the ownership of separate trees, because such a record would be very intricate and the patwari could not frame it without committing himself to some interpretation of legal relationships, and, as we have seen, one main principle of the record-system is to avoid making the patwari into a lawyer. The question often arises: What is a grove? and it is not always easy to answer. The safest course is to ascertain the characters which in the locality are regarded as essential to the existence of a

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<sup>1</sup> It is, of course, not all sentiment. Fruit is a principal element of the diet (not a mere luxury) while in season; the wood is valuable; and the trees can be sold and mortgaged in times of stress. It is impossible to over-estimate the importance to the ordinary villager of having something to offer as security for a loan.

grove and then see how far the plantation in question conforms to this ideal. The commonest criteria are perhaps (1) that the land should be enclosed by a hedge or bank, (2) that the trees should have been planted with some degree of regularity, (3) that there should be some mature trees in existence. This last criterion sounds rather absurd, but a tenant holds to the idea of his grove even when all the trees have disappeared from the land ; the right to replace dead trees is common but not universal, and the operation is one that is apt to be put off. Naturally the question whether a given plantation constitutes a grove is often one of degree : no one would call a single mahua tree a "grove," and no one would deny the term to a carefully fenced plot planted regularly with mature mangoes ; but when a dispute exists the only workmanlike way of adjusting it is to go and look at the land in the presence of the villagers.

Groves have to be distinguished from orchards of smaller fruit trees, such as guavas or oranges, which are cultivated mainly from commercial motives and are treated as cultivated land. Plantations of grafted mangoes, kept for profit, cannot logically be distinguished from guava-orchards, but from the revenue point of view the practice is to treat them as groves. The point is practically important because cultivated orchards are assessed to revenue, while groves are exempted. Until a few years ago, the principle of exemption of the groves was strictly enforced : reduction of revenue could be claimed as soon as a new grove was established, while the land was assessed as soon as a grove was cut down. The numerous petty proceedings for assessment and exemption were felt to be a nuisance to Government and to the people, and a few years ago they were abolished, and the matter left to be adjusted at the periodical revisions of settlement ; but many authorities hold that the result of these changes has been to diminish the incentive to maintain groves, and a reversion to the former system is under consideration.

The existence of scattered trees not constituting a grove is noted in the khasra, but is not recorded in the khatauni, nor is any attempt made to record the ownership. Custom in regard to them differs, but as a rule trees on waste land, field-boundaries and the like belong to the landholder, and the methods by which he exercises his rights in this respect have a considerable influence on his popularity. A good landholder does not insist on a full price for such timber: he usually gives enough to burn bricks for a tenant's well, or allows a babul to be cut when required for making agricultural implements; and the enforcement of strict rules in this matter is usually bad management because it may drive a whole village into opposition.

The third main group of entries in the khatauni refers to the unculturable land—barren land (usar), land covered with water (zer ab), and inhabited sites (abadi). As regards barren land it is well to bear in mind that the classification of waste as banjar or usar is a question of degree. There is no obvious distinction, and as neither class is assessed to revenue, Settlement Officers have not wasted much time on the matter. Questions regarding the distinction very seldom arise, but if they do, the records cannot be relied on to decide them. Land covered with water may be the bed of a stream or of a jhil or lake, and does not as such give rise to disputes, though difficulties may arise regarding the rights to fisheries (jalkar) or to take water for irrigation; these are usually dealt with fully in the wajib-ul-arz. The inhabited site, too, has numerous customs. Perhaps the most ordinary rule is that a cultivator holds free of rent the land on which his house stands: he is entitled to occupy it while he cultivates in the village, but in the event of his leaving the village the house reverts to the landholder, and the tenant usually pays a fee on building or rebuilding. Tradesmen and artisans however commonly pay ground-rent (parjot) for the land on which they are allowed to build, and this is treated as siwai income.

Thus Part I of the khatauni contains an entry of every plot in the mahal under its proper head, and the areas in all the mahals should total up to the recorded area of the village, a check which the patwari has to apply annually to ensure that the khatauni is complete. Part II is set aside to show rights existing in regard to plots which have already appeared in Part I : thus sir or an occupancy holding is in Part I, while the tenants to whom some of it has been sub-let are in Part II. As we have seen, it is desirable to show tenants of sir land as a class apart, because their rights are much less than those of a tenant of ordinary land ; similarly sub-tenants have a minimum of rights and a maximum of liabilities.

In conclusion, a few words may be said about sub-leases and transfers of tenant rights. Sub-letting is generally regarded as perfectly legitimate when the tenant who sub-lets is, for any reason, unable to cultivate the land. Thus the land may come by inheritance to a widow, a minor or a lunatic, and it is obviously the best arrangement to sub-let it. A similar case, that used to be very common in Oudh, is where the tenant is serving in the army, and sub-lets his land during his absence. More temporary emergencies are also recognised as valid grounds for sub-letting for a year or two, as for instance when a tenant's plough-cattle die and he is unable to replace them before the ploughing season. What landholders in Agra object strongly to is seeing an occupancy tenant sub-letting his land at rents which the courts would not enforce as against the tenant, and sitting down to live on his rents. The provisions of the Agra Tenancy Act regarding sub-leases are intended to meet these views : sub-leases are permitted only as temporary arrangements, except in the case of tenants who are unable to cultivate. Similarly, landholders object very strongly to seeing an occupancy holding pass under the control of a money-lender and the right is definitely made non-transferable by law. But occupancy tenants continue to mortgage their rights, and

capitalists continue to lend money on them, taking the risk that the landholder may enforce his legal remedy of annulling the right as against both parties. Whether it is on the whole desirable that tenants should be able to transfer such rights as they possess is a very large question, presenting many analogies to the question of transfer of landholders' rights, which has been debated for many years ; it would be going too far to enter on it here, but we may just remark that it has to be studied from various sides—political, social and economical. India is a poor country, and it is for the benefit of the country, as well as for the Government, that her productive resources—and the land is by far the greatest of these—should be in the hands of those who are most competent to use them ; but, on the other hand, the social and political results of a system of easy transfer may produce lasting as well as temporary difficulties, and all these factors must be taken into account by anyone who wishes to discuss the question.

## XIX.—THE RECORD OF RENTS: RENTAL SYSTEMS.

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We have seen in earlier sections that the idea of the relationship of landholder and tenant has been gradually developed in the country which now forms the United Provinces, and that it is impossible to point to any definite epoch at which landholders came into existence. Similarly, it is not possible to say when rent began to be paid—meaning by “rent” a payment by the cultivator of any sum in excess of the State demand on his land. So much however is certain, that from the earliest times the occupation of land involved the payment of a share of the produce to the State or to some representative, and this idea underlies the whole of the rental-systems that have gradually grown up. The cultivator always paid something, and, as we have said, he was much less interested in the person who received it than in the share which he had to surrender. Accordingly the most primitive system of rent is the actual division of the produce which is known as batai. It still prevails in parts of the north of the province, where land is plentiful relatively to cultivators, and where consequently holdings are large and the produce is due more to the quality of the soil, and less to the efforts of the cultivator, than is the case in more highly developed tracts. Apart from such special conditions, the system exists only in isolated cases, particularly in the case of fields where the produce may be good but may be nothing, and where landholder and tenant unite in a speculation in which neither gets anything if the season is unfavourable. Thus in the developed districts, the system of batai is almost confined to land such as heavy clay, or the borders of the larger rivers; and elsewhere it is gradually disappearing with the development of the country. The share claimed by the landholder varies as

a rule from one-half to one-third of the produce. Thus batai nisfi means division of the crop in equal shares, and batai-tikur means division with one-third for the landholder. In practice however there are various adjustments, governed strictly by custom, which complicate the division while adding to the interest of the scene. To begin with, the reapers are sometimes paid by a share of what they cut ; then when the grain is gathered in a heap on the threshing-floor, something must be put aside for the weighman present with his scales, for the patwari present in person or by deputy with his ledger, for the priest, for the poor and for various other claimants. The claimants, and their dues, vary from village to village, but from the economic point of view the result is that various expenses which the tenant would have to defray in the ordinary course are taken from the heap before the landholder's share is set aside ; thus in the case of equal division the landholder does not get half of the gross produce, but half of what is left after paying various expenses which would ordinarily fall on the tenant ; in fact it involves a rather complicated calculation in each case to say what the landholder's share actually is. Then, of course, there are obvious facilities for petty fraud : something may be kept back, or the landholder's agent may take something for himself and less for his master ; so much so that rent-collection is almost a hopeless matter on a large estate where division of the produce is practised, and the landholder finds himself driven to contract for his rents with lessees (thekadars) who can give the personal attention to the process which is impossible in his own case.

The first step in the development of rental systems seems to have been the transition from actual division (batai) to estimation (kankut) of the amount of the crop. The change simplifies work as it takes less time to estimate than to measure the produce field by field ; and the practice existed in the case of revenue during the Mohammedan period. In itself it is not

favourable to the landholder as the estimators are apt to be influenced by conscious or unconscious bias in favour of the cultivator, but it has convenience in its favour. We have seen however that there was a strong tendency to collect the revenue in cash, a tendency that will arouse the sympathy of every collector, and the practice of estimating the yield seems to have brought with it the idea of cash payments, the share of produce due being valued in money<sup>1</sup> and the value paid instead of delivering the produce. It seems probable that it was through this process that the idea of paying cash for the occupation of land first made itself familiar, but there can be no doubt that Akbar's revenue administration gave it a greatly increased vogue and that the conception was (so to speak) naturalised at the time when the English assumed the administration. The revenue had to be paid in cash, and it was natural for the landholders to take their rents in the same medium. Thus at the present day cash-rents are the rule and grain-rents the exception.

There are, however, traces in particular localities of other steps in the evolution. They are interesting historically, and it is essential that the rent courts should be on the look-out for their existence. In some places, for instance, while the rents of the staple crops continue to be paid in kind, cash-rates are charged for certain particular crops, notably sugarcane and fodder. In this case the change was no doubt convenient, as the delivery of such bulky or perishable produce would be a nuisance and the landholder would not always be in a position to make use of it when received ; and the same system seems to have been extended to crops (notably potatoes) recently introduced into the locality. In this way arose the system of

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<sup>1</sup> The landholder claims at the present day the right of fixing the value-rates to be used, and they are often much more favourable to him than the market-rates would be : he thus has an advantage to set off against the bias of the estimators.

zabti-rents, which is common in parts of the Agra and Rohilkhand divisions. When land held on grain-rents is used for growing sugarcane, fodder, potatoes, and occasionally a few other crops, it pays for that season only a cash-rate at so much a bigah, determined by the custom of the locality ; the next year the rent of it is paid as usual in grain. A similar system is described in parts of the eastern districts by the word jinspher. In places again the rent of a field, payable in cash, varies from year to year according to the crop grown on it. A particular field may yield four rupees when under wheat but only two rupees when under barley. In a few places, too, the rent is determined in the same way by the crop of the previous season. In both these cases the mode of transition from grain-rents to cash is obvious.

Another type of system is that in which a cultivator pays a rate for each plough he works, without reference to the area he brings under cultivation, a system which must go back to the time when land was plentiful, and the means of cultivation the most important question. Again in parts of Bundelkhand the rent of a cultivator is regulated by the amount of irrigable land in his possession, and is not affected by the quantity of dry land he cultivates. In this case irrigation is the most important factor of production, and so governs the rent.

Special customs, too, have to be watched for. In the alluvial lands of Ballia, for instance, there is a custom (which has been recognised by the Privy Council under the term balpanchit) that no rent is paid for land in a season when it is rendered unproductive by a deposit of sand or other action of the river. In parts of Muttra again, where the landholders and tenants are really members of the same community, there are no rents at all : the tenants pay only the amount assessed as revenue.

The foregoing instances are sufficient to indicate the anomalous rental systems which an official may come across.

They are wonderfully persistent in the face of changing agrarian conditions, but they must be classed as survivals and doubtless in process of time cash payment will become almost the universal rule.

Cash-rents are not fixed everywhere by the same methods. They may be calculated by recognised rates on each unit of area, or each field may have its own recognised rent, or the rent may be fixed for the holding as a unit. The tendency seems to be for the last-mentioned system to gain ground, but the others are very common, and officers who have to administer the rent law or assess the revenue must be familiar with their working. In the first case, the land of a village is divided by tradition into areas (usually called *har*) according to variations in productive capacity, and for each area there is a recognised rate of so much per kachchha bigah. Where this system prevails, a cultivator, if asked the rent of his land, will say so many annas per bigah, and the village thinks of rent in these terms. A change in the rate per bigah in such cases is difficult for a landholder to carry out and it certainly shocks the feelings of his cultivators ; hence as we have seen it may be thought more convenient to effect an enhancement of rent by reducing the size of the bigah, a more indeterminate unit than the rate stated in cash. In other places, the people know nothing about rent-rates, but recognise a definite sum of money as the rent due from each field : here a cultivator, when asked the rent of his holding, will reel off the rents of each field, leaving it for the listener to add up the total<sup>1</sup> ; or finally a cultivator may think, and speak, of the rent of his holding as a whole ; he will know nothing of field-rents, or of rent-rates, but will state his rent at a lump sum of money.

<sup>1</sup> The two systems may exist in the same village : thus in some villages of Unaо the ordinary loam has rents for each field, but the heavy clay which grows only rice pays one anna the biswa for the area which the season allows to be cultivated.

One of the great difficulties in testing the accuracy of the rents recorded in the khatauni is to obtain from the cultivators a clear statement of the rents they pay, and it is often necessary to be very patient with men who have the essential facts in their heads but have difficulty in making them plain: a knowledge of the prevailing rental systems is a great help in this work, so that an officer can meet the cultivator half-way. Sometimes confusion arises because a cultivator has more holdings than one. He thinks then of the total rent he has to pay, and not of the items recorded separately for (e.g.) his occupancy and non-occupancy holdings.<sup>1</sup> Things are worse when a village has recently been partitioned and a holding has been split among several mahals: it takes a long time for a cultivator to become familiar with the fraction of his rent due to each mahal, though he knows the total well enough. In all such cases patience and consideration for the cultivator will be found to secure the best results and save time in the long run.

It is necessary to remember that one of the results of our tenancy legislation has been to create a distinction between the rent legally due and the rent claimed in practice. Thus in Agra an occupancy tenant's rent can be enhanced legally only by a suit or an attested agreement, but a landholder, especially a small landholder exercising patriarchal authority in his village, does not as a matter of fact worry about such formalities but raises the rent of a tenant by verbal command, and the tenant may not be prepared to enter on a contest. The landholder could not of course recover the extra sum in court, but then he does not rely on the courts in such matters, and the higher rent is claimed and paid. In such cases it might be thought that a Government record should show only the legal rent, but it has to be remembered that for a just

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<sup>1</sup> Column 12 in the khatauni-jamabandi will possibly facilitate work in such case showing in one place all the rents due from the cultivator.

assessment of the revenue it is essential to know what the landholder as a matter of fact claims from his tenants, and not merely what the law will enable him to recover. In the Agra khatauni therefore the entry of rent is divided into two columns to show the legal rent and the excess demand ; a cultivator's statement of his rent will ordinarily be the sum of these two columns. It is of course desirable to educate the landholders into compliance with the law regarding enhancement, and something can be done by urging individuals to regularise their claims by getting an agreement to pay the enhanced rent attested by the supervisor-kanungo ; but the process will be gradual. Illegal enhancements are perhaps as common in Oudh as in Agra, and theory would suggest that the record of them should be made on the same lines. In practice, however, consideration for the feelings of the Oudh landholders has prevented the introduction of any such record in that province ; there only the total amount claimed is shown in the records, without reference to the legality or illegality of the demand.

We have indicated in a former section that landholders fully appreciate the advantage of having their rent-rolls understated in the records. It must be said in justice to them that the great majority allow the patwari to record the rents which they in fact claim, and that in many cases where errors exist the error is the result of accident or negligence. In most districts, however, a minority of landholders persist in making the patwari under-state their rents, or in technical language "conceal their assets," and it is a practice which the revenue administration must fight by every means in its power, both because it undermines the records which are the foundation of the revenue assessments, and because it produces a feeling of dissatisfaction among landholders whose records are accurate when they see that such fraudulent practices result in an under-assessment of the revenue. It is not of course easy to detect the practice when carried out efficiently : the cultivators

will be taught to state glibly the amount of their rent as recorded in the papers, and at first sight it may be thought that there is nothing else to go on. But a conspiracy of this sort must be known to many people, in particular to the patwari and frequently to the supervisor-kanungo, and its disclosure is very largely a matter of the degree of discipline maintained among the staff. We have seen that the patwari tends to regard himself as the servant of the landholder, and it is obvious that the supervisor also will be tempted to stand in, unless he has just grounds for believing that honesty is in this matter the best policy. Probably the most effective method of ensuring correct records in the long run is the maintenance of discipline among the record-staff.

In conclusion, a few words may be said regarding the law of distraint for rent, one of the features of our tenancy legislation which at first excites most surprise. We have seen that the conception of rent as a share of the produce is dominant among the people, and it is a natural conclusion that the recipient of rent should have power to prevent any disposal of the produce which might defeat his claim. In Mohammedan times it seems to have been a recognised practice to post watchers (shahna) over the crops of probable defaulters, so that they could not be removed until satisfactory arrangements were made for the revenue, and the practice came into general favour among zamindars in times when they could not look for much assistance from an organised government. The present law is then a systematic statement of the ancient practice of the country and a limitation of its abuses. Under it a landholder can distrain on the produce by notice, the effect of which is to prevent the cultivator disposing of it until the rent is arranged for, and if no such arrangement is made, it can be sold by a public officer known as kurk-amin.<sup>1</sup>

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<sup>1</sup> The position of the landholder as preferential creditor with special powers to protect assets is accepted by the people, with the

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possible exception of the money-lending classes. Strangers who consider it harsh to the cultivator might study the processes of rent-collection developed by the zamindars, and still practised in modified forms by rent-collectors of the old school. The present writer has talked with an Oudh gentleman who had seen cultivators buried up to the neck in the forecourt of their landholder's house : they stayed there till they died or till their relatives paid up their dues. Probably cases of illegal detention in custody still occur, though greater precautions are taken against their reaching the ears of Government officers. Officers of the rank of tahsildar still in some instances collect revenue by methods that will not stand official scrutiny, but these methods do not shock the conscience of the people accustomed to the stories of the much greater severity of older times.

## XX.—THE JAMABANDI AND VILLAGE ACCOUNTS.

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The record of village accounts, which was formerly the main duty of the patwari, is now relegated to a subordinate place from the official point of view, which however is not that of the persons most concerned. The jamabandi is nowhere referred to in the revenue law, but it is the one record of which the name appeals to all classes, and its importance is very real. The facts which the patwari is required to record in it are (1) the demand against each tenant for rent (current and arrear); (2) the payments made by each tenant; (3) the expenditure incurred by one landholder on behalf of others. With these facts, he is in a position to show first the state of the account between each tenant and his landholder, and secondly the position of the landholders towards each other. Government is interested in both cases, because litigation on these questions is simplified, where it is not avoided, by a record of each transaction as it occurs, while it has a further interest in the correct record of payments of rent because (as we have seen) this information may be of the greatest value in assessing the revenue.

The arrangement of the tenants' rental accounts is now fairly simple. The first column of the jamabandi shows what is due at the beginning of each year, arrears being brought over from the previous record: payments of rent are recorded in the siahā or cash-book (receipt side) if made in money, and in the crop-ledger (bahikhata) if made in kind, and are brought over from these records to the jamabandi, and each account is balanced at the end of the year, the arrears (when not barred by limitation) going over to the next year's record. The record of demand calls for no remarks beyond what has been

said in the foregoing section ; but as regards collections, it is important to realise the precise value of entries in the record. The patwari is required to obtain his information of cash payments from the landholder, so that the record of these payments consists of admissions by the landholder of what he has received, and consequently it is practically conclusive as against the landholder. On the other hand, it is by no means conclusive as against a tenant, to whom it is always open to, prove payments not recorded—the difficulty in his way being the production of satisfactory evidence. The value of entries in the crop ledger is greater, at least in cases where the patwari was present at the division of produce ; but speaking generally, the jamabandi shows the landholder's side of the account, rent demanded, receipts admitted, and balance claimed as due. The tenant may either contest the amount of the rent or prove additional payments.

Mention has been made in a previous section of the difficulty of getting a correct record of collections. In some cases the difficulty is deliberately caused by landholders who prefer that the records should show their tenants to be in arrears, but probably such cases are rare compared with those where other causes are at work. A common cause of difficulty is found in a landholder's practice of financing his tenants (in itself a most praiseworthy operation). The rent courts are more popular as a rule than the civil courts, and such landholders tend to credit payments to the loan accounts, so that if a suit should become necessary it may lie in the former rather than in the latter court. The same feature is seen in parts of Rohilkhand where the landholders buy the juice of their tenants' sugarcane, and the produce accounts and the rent accounts tend to get hopelessly confused. But much the commonest cause of incorrect records of rent payments is laziness. The landholder has no great inducement to keep the siahā up to date, since any accidental omissions are in his favour,

and he will not send for the patwari to write up his collections while he may be busy when the patwari comes to him. The patwari, on his part, finds it a nuisance hunting up landholders, and perhaps being called names for his pains, and he may often miss an absentee who comes to the village only to collect his rents. The difficulty can be removed only by steady pressure exercised by the administration on both parties.

The tenancy laws lay considerable stress on the grant of receipts for payment of rent. Tenants can demand these, and there are penalties for failure to grant them, while as an administrative measure counterfoil receipt books are often kept for sale at tahsils and landholders are pressed to make use of them. The practice of using counterfoil receipts is the foundation of accurate estate book-keeping, and it is certainly spreading, but is still uncommon in many tracts, and while so many landholders are illiterate it cannot become general; but its gradual growth is the most hopeful prospect for increasing the value of the jamabandi both to the courts and to the cultivators.

Suits for arrears of rents are brought in large numbers, ordinarily in the court of the tahsildar, but the great majority are undefended. The landholder produces an account stated by the patwari and the arrears shown in it are decreed, so that the suit is often merely a formal registration of a debt which would otherwise become barred by limitation. Sometimes the tenant appears and alleges further payments, but in the absence of receipts it is difficult for him to bring any evidence which the court will accept; and, if we look merely at the courts, we may form the impression that a tenant has no protection against unjust claims if his landholder does not inform the patwari of his collections and does not grant receipts. But the number of disputes regarding payment is absolutely insignificant when the number of tenants is taken into consideration, and one may spend a long time checking siahas in presence of the landholders and tenants without coming across a single instance of bad.

faith ; mistakes are common on both sides, but the standard of morality in this matter is remarkably high. An old village landholder, who has never given a receipt in his life and has frightened away the patwari every time he brought his siahā, will scorn the idea of cheating a tenant who behaves towards him with proper respect, though a man who should have the boldness to ask for a receipt might soon find himself in serious trouble. So that in matters of rent, as in many others, a theoretically imperfect system is found to work in practice so long as the parties concerned respect one another's feelings.

There is, however, one case where rents for arrears provoke a keen contest, namely, where the tenant says he has paid the rent to a third party who claims the right to receive it. In this case the tenant is merely a weapon used by one landholder against the other, and most courts absolve him from further liability if the third party has any claim of right. Such cases are most numerous in the eastern districts, where, as we have seen, the tendency is towards separate possession of land and management through the lambardar is unusual. There is probably in existence some more or less definite arrangement under which each co-sharer collects rents from certain tenants, and such cases arise when for any reason the arrangement breaks down. It is one of the defects of the present record system that these arrangements are very imperfectly recorded, and the disputes are in consequence very hard to decide ; when it is found possible to reduce these customary arrangements to writing the number of such disputes should diminish, and their disposal would be greatly facilitated ; but while the facts are being gradually ascertained the litigation must be expected to continue.

The other side of the village accounts deals with the liabilities of the landholders among themselves, and the patwari has nothing to do where there is only one landholder or where

each landholder collects his own income and pays his own revenue. The matter is, however, of great importance where a lambardar manages a mahal or patti on behalf of the remaining sharers, and has to account to them at the end of the year for their portion of the profits, or call on them to make good their share of what is due by the community. This annual settlement of accounts (samjhauta) is interesting in many ways, and it is unfortunate that officers see so little of it because it throws a great deal of light on the social life of the country. Officers as a rule come across a samjhauta only when the co-sharers are quarrelling and bring a case into court, either co-sharers suing the lambardar for their share of the profits or the latter suing the former for revenue due from them. In these cases most people lie their hardest, and a short experience of them tends to produce a strong feeling of pessimism regarding the future of these communities. But the disputes come to court only from a few communities; the greater number settle their accounts with the patwari's assistance and do not trouble the courts, and here the people may be seen at their best if the opportunity of seeing them can be obtained.<sup>1</sup>

The essentials for such a settlement are a knowledge of what each sharer has received and spent, and of what he ought to have received or spent. With these facts it is easy to strike the balance due from, or to, each individual. The siahā (receipt side) shows the rents collected by each sharer, while it is open to sharers to record their payments in the expenditure side of the same record (which is maintained only for mahals where a samjhauta is required); but apart from cash there are

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<sup>1</sup> Junior officers who are on sufficiently intimate terms with the heads of a cultivating community should certainly try to get an invitation to be present at the samjhauta; the amicable adjustment of difficulties, and the recognition by individuals of the general sense of the community are object-lessons in the art of self-government; but it is no use going to a samjhauta as a stranger.

numerous items to be taken into account. In theory all cash transactions should be made by the lambardar, but the practice is not so strict. Some sharers are accustomed to receive or pay particular items, or do so in special circumstances, and everything must be allowed for. The parties are as a rule illiterate, but their local knowledge and clear memories are supplemented by the patwari's figures, and though much time is spent, a satisfactory adjustment is usually made in the end, unless there is an existing quarrel in which case it is fairly certain to break out.

In a friendly samjhauta there is really little to argue about : the income collected is known, the amounts which each sharer has to account for—amount of income realised by him, or value of land in his cultivation—are ruled by custom which no one will dispute in the village, and if there is any argument it will usually arise about the legitimacy of payments made by the lambardar on behalf of the village. But when a case comes into court, everything will be contested, and the court has to set to work to get to the bottom of the dispute. It is a very common failing of the rent courts to start taking evidence before the parties have been brought to definite issues of fact, and this course is nowhere more fatal than in a suit regarding profits. Plaints and written statements are often badly drawn, and it is only by questioning the parties face to face that the actual points of dispute can be ascertained ; once this is done, and the burthen of proof settled, there are no simpler cases to decide.

## XXI.—CHANGES IN THE RECORD OF RIGHTS.

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As has been explained in an earlier section, the record of rights when once framed is maintained by the patwari, who rewrites it every year, incorporating all authorised changes. So far as the record of tenants' rights (khatauni) is concerned, the principle is that the patwari must find out all facts affecting the record and incorporate them of his own motion, but he is not as a rule required to apply the law. Thus he is bound to ascertain whether an occupancy tenant has sub-let any land, and (if so) to record the sub-tenant in his proper place: on the other hand, he is not permitted to consider whether the sub-letting is legal or illegal, a matter that the courts must decide in case of dispute. Again, he records that a tenant has held his land for twelve years, but he may not record him as an occupancy tenant without an order of court. It is important to bear this principle in mind, because questions often arise as to the duty of the patwari in cases not covered directly by the rules, and such questions must be decided on the principle that the patwari is a recorder of facts and not an interpreter of law. There are, it is true, a few exceptions to this principle. For instance, a patwari is not allowed to record the admission by a tenant of partners in his rights. In such cases the admission of partners can obviously make no change in the legal relations of the landholder and the original tenant, while the rights and liabilities of the partners among themselves are matters of civil law; it would be more convenient that the patwari should record even these facts, but an exception has been made in deference to the feelings of the landholders, who object to any such record as tending to obscure their true position.

In some parts of the province a practice has grown up under which patwaris will not record even a simple fact, such as

the succession of a son to his father's holding, without an order of court ; a petition for correction of the records (*tarmim jamabandi*) is filed, investigated by the supervisor, and submitted for the orders of the sub-divisional officer. This practice has no warrant in law and is extremely burthensome both to the people and to the courts, and attempts are now being made to suppress it where it exists, and to compel the patwaris to do their duty. A revenue officer is required to correct the records where the necessity is proved before him, but he is not required to do the patwari's work, and his action in this respect should be limited first to seeing that decisions in the cases he disposes of are given proper effect in the records, and secondly to taking up cases where it is alleged that the patwari has refused to make a necessary change, and—if the allegation is proved—punishing the patwari while correcting the record.

The position is entirely different in regard to the record of landholders' rights (*khewat*), for in this case an order of court is necessary before the patwari can make any change. Patwaris are required to report the need of a change, and there is a similar obligation on persons securing possession as landholders ; these reports are taken up in the tahsildar's court, a proclamation of the proceeding is made in the village, and if no objection is filed the tahsildar passes orders : the usual order is for the exclusion of one name and the entry of another in its place, and consequently the proceeding is described as mutation of names (*dakhil-kharij*). If any person objects to the proposed mutation, the tahsildar enquires into the matter and reports to the sub-divisional officer who disposes of it. In dealing with disputes of this sort, it is essential to remember the principle that the *khewat* is a record of possession, not of title, and that the enquiry should be limited in the first instance to the fact of possession, as proved by collecting rents and administering the property in dispute.

Disputes occur in a relatively very small number of cases, but they are not easy to deal with when they arise. Sometimes a purchaser of a landholder's rights may find a prior mortgagee trying to take possession on his own account ; or two widows of a deceased landholder may each be aiming at ousting the other ; or where no near relatives exist different branches of collaterals may be contesting for possession. In such cases it is the tradition of the country to hesitate at nothing, but to get a footing somehow in the village ; revenue is pressed on the tahsildar the day it is due ; tenants are pressed for rent, or receipts are pressed on them if they will promise to give evidence ; leases are given to people who do not want them ; trees are cut, cattle impounded, and attempts are made in every possible way to show that each claimant has as a matter of fact exercised the rights of a landholder. Naturally breaches of the peace arise, or if they do not occur are alleged, so as to get if possible a favourable order from a criminal court ; and for a time everything is in confusion. Prompt disposal of such cases is obviously essential to the peace of the locality, but unfortunately subordinate officials are sometimes tempted to enter the fray, and prolong enquiries while one party is making good his claim ; and such cases have therefore to be carefully watched. In a really bitter dispute, it is usually the case that neither party is in possession though both are trying to get it ; and the law provides that where possession is not proved the court is to decide by summary enquiry who has the best title, and put him in possession, leaving the other parties to go to the civil court. In these cases revenue courts are apt to exceed their jurisdiction, and try questions that only a civil court can decide, and it is again necessary to remember that promptness is essential. The aim of the revenue administration is to stop the fight for possession, to fix on some person to be responsible for the payment of the revenue, and to give the cultivators peace ; questions of title are often exceedingly

intricate and a village may be half ruined while a revenue court is trying to get to the bottom of a complicated matter.<sup>1</sup>

As soon as an order for mutation of names has been made it is necessary to get it correctly recorded in the khewat. This is the duty of the registrar-kanungo, who communicates the order to the patwari and signs the entry in his khewat; and where it is only a question of names no difficulty arises. But in complicated khewats quite a number of serious difficulties are caused by carelessness in the mechanical stages of the proceedings. Thus in an uncontested case the tahsildar's order sometimes runs : " Let mutation be made in the terms of the report " : but the report may be vague and the patwari makes a shot and gets his khewat wrong. The rule is that the order must specify the amount of the share affected and the names to be excluded and entered : but even where this rule is carried out, clerical mistakes occur with serious results. Thus an order affecting  $\frac{1}{2}$  a 3-pie share gets entered as  $\frac{1}{3}$  a 3-pie share, and part of the share is left without a possessor ; or in the reverse case, the fractional shares in a patti may add up to more than the total of the patti, and much useless litigation may result. It is for this reason that the Land Records Manual lays so much stress on supervision over the routine work connected with mutation.

The law imposes penalties on persons succeeding to proprietary possession who omit to report the fact at the tahsil ; they cannot appear in court as landholder until they

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<sup>1</sup> In a case within the writer's experience two branches of a Mohammedan family had a fair six months to fight for possession while the tahsildar, who had to report on the case, was trying to find out whether the inheritance rules recognised by local custom superseded those of the ordinary Mohammedan law. He sent up a report dealing with the question in the light of an elaborate list of rulings, but before he had completed it the parties were in the lock-up, and the property sequestrated by the Magistrate, owing to the recurring breaches of the peace.

have taken steps to get their names into the khewat, and they are also liable to a fine. But these penalties are not sufficient to secure early information in all cases. Successors may not know they have succeeded, or they may not know the law, or they may be too lazy to comply with it : hence the patwari is required by rule to report all such cases whether or not the successor has reported. Thus the patwari has to originate all changes in the record of rights, whether landholders are affected or tenants ; in the former case he has to report, in the latter he has to change the record of his own motion, but the nature of the responsibility is the same in both. In this fact will be found the reason of various rules governing the conduct of the patwari—residence in his circle where he is most likely to hear the facts, periodical visits to the tahsil where he is reminded of the need for reports, and so on ; and it is a very important consideration in practical work that nothing should be done to discourage the patwari from acting on his own initiative in this matter.

## XXII.—SUPERVISION OVER THE RECORDS.

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The rules in the Land Records Manual dealing with the supervision over the records are given in great detail, and it is unnecessary to summarise them here, but a short statement of the principles on which they are founded will, perhaps, be of some use. The first object aimed at is that each patwari shall have only one official master—the supervisor of his circle. There is no country where subordinates are more inclined to play off one set of masters against another, and the patwari is such a very useful person that his services are eagerly sought by various departments. It should therefore be a cardinal principle that all orders to him go through the tahsildar and the supervisor. Again, the patwari is not expected to use his own judgment; he is not paid on a scale that justifies the presumption of a judgment being in existence; he has to carry out orders and ask for orders where he has not got them beforehand.

Supervisors are required to keep in constant touch with the patwaris of their circle and also with the inhabitants in general. They know everything that a patwari has to do, and it is their business to see that he does it punctually and correctly. To this end they have to verify and check portions of his work in accordance with the detailed rules; but more generally they must know what each patwari is worth and where he is likely to go wrong. Obviously then the supervisor must be given as independent a position as possible, and he must be treated as a responsible officer of Government—responsible, that is, for the work and conduct of the patwaris of his circle.

Another principle is the advantage of interesting the people in the correctness of the records. This principle has been

at times overlooked, and the records have tended to become the patwari's secret. The periodical recital of portions of the fundamental records in the presence of the villagers is intended to secure their interest; the correctness of the records would be almost assured if every landholder and tenant would see that his own rights are properly recorded.

Again, it is recognised that it is hopeless for a sub-divisional officer to control at first hand all the patwaris in his jurisdiction. He must work through the supervisor, relying considerably on his judgment but at the same time making sure by personal investigation that he is doing his work thoroughly. Accuracy of routine can be secured more easily in India than elsewhere, provided the supervision is thorough, while without thorough supervision inaccuracy develops with exceptional rapidity. For the mere routine of a patwari's life high intellectual attainments are a disqualification: the ideal patwari is the harmless drudge. But in the supervisors Government requires the best combination of character and intellect that it can command for the salary it is able to pay, and the selection of candidates for the post is a most important part of the Collector's duty.

### XXIII.—PARTITIONS.

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In the foregoing sections we have dealt with most of the proceedings in court which are governed by the Land Revenue Act, but the procedure in partition cases requires a separate notice. Partition may, as we have seen, involve either the division of a mahal into several new units, or the formation of patti within an existing mahal : the procedure is substantially the same in both cases, and the ordinary landholder is not conscious in ordinary times of any marked distinction between the two results. In either case he gets a definite property which he can manage without interference and for the revenue of which he is responsible ; and the cases in which it is necessary to enforce the undivided responsibility for revenue of all the sharers in a mahal are very rare. But the sentiment of the people is in favour of perfect partition, and the process has been carried to an extent that is a serious embarrassment to Government ; the revenue has to be collected in small sums from a very large number of mahals, and every increase in the number of revenue-payers increases the difficulty of the administration. The Land Revenue Act of 1901 eventually introduced limitations in the form of a minimum size for new mahals, which have checked the worst of the development ; but the desire for separate properties has not been checked and partitions are still eagerly sought for and contested.

The desire for partition usually arises in one of two cases, either a dispute in the community or the advent of a heterogeneous element. Experience shows that, although many of the communities manifest remarkable powers of cohesion, yet disputes frequently occur regarding the management of the property, and perhaps more frequently regarding some matter

of importance in the social life ; such disputes ordinarily lead to a good deal of miscellaneous litigation, by which feelings are still more embittered, until one or more sharers decide to end the matter by having their property separated off from that of the rest of the community. Then other sharers take the same decision and the court is confronted with an array of applicants for partition, all already embittered, and ready to contest any and every point throughout the proceedings.

Or again, a money-lender comes into possession of a share in the community, which he may have bought or acquired by foreclosing a mortgage. The rest of the community naturally look on him as an outsider, while he for his part wants to manage his property in his own way. He therefore very soon applies for a partition, and though the rest of the community may have quarrels among themselves, the ranks tend to close in face of the common enemy, and every effort is made to prevent his getting the partition at all, or if he gets it, to see that he has the worst of the distribution.

In both cases, then, the parties come to court spoiling for a fight over an operation that is at all times exceedingly delicate and that requires a good deal of mutual accommodation to ensure a successful result. It is for this reason that partitions make such demands on the time, tact and temper of the officer who has to make them. It is not the least use to sit impassively aloof and let the quarrels work themselves out. They will last as long as anyone has the money to keep them going, and the final result will be a set of bankrupt landholders, entirely demoralised, and looking only for a chance of doing each other a bad turn. There are enough villages in the provinces in this condition to cause serious embarrassment to the police and magisterial administration. The best chance of effecting a partition without a legacy of hate is for the presiding officer to take the lead throughout the proceedings, make himself familiar at first hand with the underlying quarrels, and if he

cannot compose them effectively, at least keep them in check, treating the whole case as a business transaction in which all parties are interested in securing a fair division, and nobody is trying to secure an unfair advantage.

The procedure usually falls into three main stages—(a) decision whether a partition can be made ; (b) decision how it is to be made ; (c) the actual division of the property : the first stage is mainly judicial, but the others are administrative. In the first stage, the principle is that a landholder is entitled to a partition if his share is not less than the prescribed minimum, and if there be no legal objections, which of course must be proved by those who advance them. After this preliminary the next question is Who is to make the partition ? the parties, or arbitrators, or the court ? Ordinarily the attitude of the parties puts the first and second courses out of the question, and the court has to take the matter up, appointing an official (amin) to divide the land and laying down rules to guide him. These rules, which are embodied in the document known as the partition-proceeding, are the crux of the whole matter. They have to be perfectly clear and definite : anything left vague or omitted is sure to provoke a fresh outburst of hostilities when the amin is at work, and a heavy crop of objections to any proposals that he may submit. Every point therefore has to be discussed by the officer personally with the parties, and the general sense of the community followed when it can be ascertained, while on the disputed points the officer must decide for himself on the fairest course and endeavour to secure assent to it.

It is in accordance with most Indian phenomena that the difficulties arise in the details and not in settling the main lines of the operation. The ordinary course is to assign to each claimant anything of which he already has separate possession, and then to divide the common property in such a way as to make up to each the property to which his share in the

community entitles him. Thus each claimant gets in the first place his sir and khudkasht, his groves and the land of any tenants who, by custom, pay their rent to him ; and, in addition, he gets from the common property a share of other tenants' land and of culturable and unculturable waste, according to the fraction to which he is entitled. Thus a claimant with a four-anna share should get one-fourth of the cultivated land (including all his sir, etc.), and one-fourth of each class of the uncultivated land. But it is not, as a rule, sufficient to divide the cultivated land by area, for its value may vary greatly, and here there is usually a good deal of room for argument ; some sharers will want it divided according to the class of soil, others according to the amount of its rent, and probably most claimants will ask for preferential treatment in some respect. One will ask for the land of a particular tenant on the ground that (though he is not in separate possession) he has special relations with the tenant ; another will ask to exclude from his lot a particular tenant with whom he has a quarrel ; another will ask for better tenants' land because his khudkasht is of less than average quality, and so on. Thus there will be many questions to consider, and of course allowance must be made for the fact that occupancy holdings are less valuable to the landholder than non-occupancy, and for similar considerations. Eventually the partition officer will embody in the proceeding a set of directions to the amin, showing how the land is to be divided and providing for any special claims that he may see fit to recognise ; and it will then be the amin's duty to distribute the land field by field in accordance with these directions until the proposed mahals are complete.

It will be understood that in these matters it is rarely possible to make a theoretically perfect distribution, giving to each new mahal exactly its proper share of land of the right value situated within a ring fence. Respect for separate possession by itself usually makes it impossible for a new mahal

to be entirely compact, but it should be compact as far as possible. Again, it is a serious inconvenience to tenants when small holdings are split up among several mahals, and individual holdings should as far as possible go to a single mahal. But the most important consideration throughout is to carry the parties along and arrive at a distribution of the property which will command their approval; and a good many theoretical imperfections may be tolerated, provided this object is secured.<sup>1</sup>

The partition proceeding has, as we have said, to meet all possible causes of dispute in advance. It has therefore to provide for the distribution of all the miscellaneous conveniences of the village. Thus, while dividing the land occupied by roadways, it must provide for their maintenance for traffic; it must ensure that fields shall not be deprived of existing sources of irrigation: burial or burning grounds must be kept open for the whole village: the maintenance of temples or shrines must be considered; and, in fact, almost the whole social life of the place must come under review. Probably the division of the site (abadi) causes more friction than matters of much greater pecuniary importance; questions of the right to a yard on which the houses of several claimants open look petty in court, but their importance can be realised when the court is held, for the time being, in the yard in dispute, and the proceedings can include the interjections of the ladies of the families affected; and it is probably the experience of a good many officers that a large site cannot be partitioned satisfactorily except on the spot.

<sup>1</sup> Thus in one case within the writer's experience there was a solitary grain-rented field about  $\frac{1}{4}$  acre in size, and all the claimants of eight mahals at first wanted a share. But when they were brought to think over the practical difficulties of batai in minute portions of a field, they very soon agreed to give the field to one mahal as a make-weight for some inferiority in other respects, to the great comfort of the old woman who held it.

If the amin is reasonably competent and is given clear orders on all points of difficulty, he will usually frame proposals that are substantially just to all parties ; but matters are not yet settled, for there must be an opportunity for objecting to particular features in his proposals. It is at this stage that an officer benefits by having taken trouble in the earlier steps : with a vague or sketchy partition proceeding, every old dispute, and a hundred new ones, will come up in the form of objections, so that the officer may be asked to decide at this stage on the allocation of practically every plot in the village ; but where reasonable care has been taken the objections can usually be adjusted, and it then remains only to pass the formal order constituting the new mahals, or pattis, as the case may be, and to amend the records accordingly.

A few words may be said touching the converse process of union of mahals. It is of rare occurrence, because the tendency of the people is to separate rather than unite property. It is done sometimes where one wealthy man is gradually buying out a community, and thinks it convenient to unite the mahals he has acquired in a single property. The proceedings are purely formal, as there is no conflict of interest where all the property is in the hands of one man, and nothing is required beyond the formal order uniting the mahals and the consequential amendment of the records.

## XXIV.—RENT LITIGATION.

The complicated tenancy laws of the provinces give scope for a large variety of proceedings in court, but in practice there are only three groups of cases which involve much work, (a) suits for arrears of rents, revenue or profits ; (b) proceedings in ejectment ; and (c) enhancement of rent. The first group has been noticed in a previous section, while as regards the second, the rules of law are so detailed that a court has nothing to do but to ascertain the facts of the case and apply the law. But in all court work it is important to bear in mind the paramount necessity of bringing the parties to a clear issue—that is, of stating in clear terms what has to be proved and who has to prove it. There is real difficulty in doing this, largely because in the lower courts plaints and written statements are often very badly drawn<sup>1</sup> ; and if issues are struck on them, it not infrequently happens that the real point is missed, or only comes to light late in the hearing. A few minutes spent in questioning the parties or their representatives, and ascertaining definitely what each alleges, admits, and denies, will usually make matters clear and may very considerably shorten the subsequent proceedings.

The third group of cases, namely, those concerned with the enhancement of rent, is not of much importance in Oudh, where rents of ordinary tenants are usually enhanced by the landholder, and, if discussed in court at all, are supported or contested on general considerations : but it is of great and

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<sup>1</sup> It is an excellent practice for the court to begin its proceedings with an abstract of the plaint and the defence ; in making this abstract, the points that require further elucidation will usually come prominently into view.

growing importance in Agra, where the courts are charged with the duty of fixing fair rents for occupancy holdings. There is no more difficult branch of the revenue administration, and though the law lays down definite grounds on which alone a court can act, and enjoins a particular procedure, a great deal depends on the judgment of the officer in each case. Suits for enhancement on the ground of tenants' encroachments, beneficial alluvion, or landholders' improvements are rare ; the common ground is undue lowness of rent, but the occurrence of a rise in local prices since the rents were fixed is a ground which is recognised by the law, and which may at any time become of great practical importance. As regards the first of these, the general idea is that the action of the rent courts cannot raise the existing standard of occupancy rents : the standard can be raised by the settlement officer, or by the courts on the basis of a rise in prices, but unduly low rents can be levelled up only to the prevailing rent-rate "for land of similar quality and with similar advantages." A landholder who sues on this ground is bound to offer definite instances or exemplars, quoting other holdings in the vicinity which he alleges to be of similar quality and to be paying higher rents. The tenants will of course say that the exemplars offered are not a fair comparison, and the main duty of the officer trying the case is not merely to examine the exemplars with his own eyes, but to compare the land in question with similar land in the assessment circle and make up his mind what is the prevailing rent-rate for each class of soil comprised in the holdings whose rent is in dispute. This is not an easy matter ; it requires really a general knowledge of the productivity of the various classes of soil, and an eye trained by experience to judge of their relative values ; but this experience takes a long time to acquire, and officers who are still acquiring it will find the safest course to lie in taking the people—not only the parties but their neighbours—into their confidence throughout the investigation. The standard of

practical knowledge is so high among the cultivators in most localities that any outrageous statement is almost sure to excite derision, whether made in good faith by a town-bred land-agent, or put forward by a cultivator in his eagerness to avoid enhancement; and a patient hearing of the parties and their neighbours will usually leave the officer with a very fair idea of what each class of soil is worth in the local conditions. The last words are important, for in all questions of land values the local conditions are almost everything; bare sands may support productive market-gardens if water and manure are available, while good loam may be almost worthless if no water can be had for it. One of the greatest mistakes therefore in work of this kind is to apply knowledge gained in one place directly to another where the conditions are different; the knowledge that is of permanent utility is knowledge of the way in which local conditions may differentiate the value of land that looks homogeneous to the eye.

The fixing of rents is not however complete when an officer has selected fair rent-rates for the soils that are before him: it is still necessary to consider any special features that are alleged to affect the value of a particular field, and the parties will not be slow to bring these forward. In dealing with them the important thing is to remember that a cultivator works as a rule on a very small margin of profit, and something that looks too small for the attention of the law may make a very real difference, while a small reduction of rent is greatly appreciated by the cultivator and is not much felt by an ordinary landholder.<sup>1</sup> The rent of a holding is usually

<sup>1</sup> A very good illustration may be found in the case of fields adjoining an unfenced road. It is common to see some of the best fields in this situation under quite inferior crops, because the constant losses by trespass, as the village cattle pass twice a day along the road, may make higher-class crops just unremunerative. Or a difference in level, not perceptible to an untrained eye, may mean just enough flooding to prevent the growth of crops like maize or cotton.

fixed by applying the rent-rates which the officer finds to be prevailing, and adding or deducting (more generally the latter) something for the special features of the particular holding. In some parts of the country it is also necessary to allow for the caste of the tenants ; particular castes are by local custom charged exceptionally low rents, and the recognition of these customs is required by section 37 of the Agra Tenancy Act.

This process of ascertaining and applying prevailing rates is exceedingly laborious, and it is very hard to find time for it when the number of cases is large. It is however often possible to save time, and (what is more important) promote friendly feelings, by bringing the landholder and his tenants together on a fair basis of compromise. It is only the minority who fight cases for the sake of fighting, though an officer who spends all his time in court is often tempted to overlook the fact ; the great majority of the people are reasonable, and with a little guidance by an experienced officer, a fair settlement of rents can often be made without going into detail as to the rates to be applied. Of course if the case is tried out the strict procedure must be followed, but it can often be closed by a compromise between the parties.

The classes of soils which have to be considered in these cases are of course those recognised by agriculturists in the locality, and consequently the classes which the settlement officer has used in assessing the revenue. Classification of soils whether by texture (clay, loam, sand, and their sub-divisions), or by position and facilities (irrigable and dry, or adjoining and remote from the site), is essentially an agricultural question ; and the ordinary officer's duty is merely to find out the classification in use and make sure what it means. The simplest way of doing this is to study the description of the classification given in the latest settlement report of the district, and then to go over a few villages with the settlement khasra in hand, noting the class in which each field has been placed, and the

limiting positions of the different classes, until the eye has been sufficiently trained in that particular system.<sup>1</sup> Any theorising on the subject is out of place. A particular system of classification may fall short of the ideal, but the fact that it is used by the people outweighs its theoretical defects.

The last ground for enhancement of rents—the establishment of a rise in the price of agricultural produce—brings an officer into quite another set of difficulties, and his judgment must be a somewhat elaborate statistical treatise instead of a discussion of soils and rent-rates. It is obvious that rents fixed when wheat sold for one rupee a maund are unfair to the landholder when the price has risen to three rupees. An officer has to determine (a) the level of prices which prevailed when the rents were fixed ; (b) the present level of prices ; and (c) the enhancement justified by the rise. Now, it is exceedingly difficult to determine the level of prices prevailing at any particular period ; prices are so much affected by the harvests that the records of a particular year are useless, and even a short series of years may give erroneous results. In addition to any evidence the parties may offer, a court will probably find it necessary to consider the official records of prices of each important staple for from seven to ten years before each epoch ; it will throw out of account obviously abnormal years, such as those in which famine prevailed, and will average the remainder, or more wisely pick out a round number representative of the period. For instance a court might find that the average yearly prices of wheat in the decade 1891—1900 were as follows (in sers per rupee): 16 $\frac{1}{4}$ , 16 $\frac{1}{2}$ , 17, 14, 15, 9, 8, 16, 12, 10. It would be unsafe to take account of 1896, 1897, 1899, or 1900 in fixing the level of prices for 1901, as these years were affected by famine conditions ; and leaving them altogether out of

<sup>1</sup> Where the settlement records include a field map on which the soils are marked in distinctive colours, it can of course be used instead of the khasra for this purpose.

account, the court would be justified in saying that the level of prices of wheat in the decade was about 16 sers. In the same way it might be found that at the earlier period when rents were fixed the level was about 24 sers ; that is to say, the price of one ser has risen from 8 to 12 pies, or by 50 per cent<sup>1</sup> ; and if other staples gave approximately the same result the court might find that prices of agricultural produce has established a rise of 50 per cent in the period under consideration.

To apply this conclusion to fixing rents, the obvious course would be to go back to the original conception of a share of the produce, and to raise the rent so that the cultivator has to sell the same quantity of produce as before in order to pay the new rent. Thus a cultivator, whose old rent was Rs. 33, had originally to sell 20 maunds of wheat (or the equivalent in other produce) to pay this sum ; at the higher level, 20 maunds will fetch Rs. 50, and on a cursory view of the case that sum might be fixed as the new rent. But it is well to bear in mind the assumptions tacitly involved in taking this obvious course. Firstly, it is assumed that the land yields about the same produce as before (or that any increase in produce is due to the tenant's improvements and is not assessable to rent). If there is reason to think that the productivity of the land has declined, then it cannot be expected to yield the same share of produce as before in the shape of rent and due allowance must be made. Again, it is assumed that the cost of production has varied in the same way as prices, and this is a very complex assumption indeed. What it involves may be made clearer by a numerical illustration. We will take the case of a cultivator whose holding yields 100 maunds of agricultural produce, out of which he originally had to sell 20 maunds to pay his rent ; that 40 maunds support the family and 40 maunds go in

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<sup>1</sup> The inverted method of stating prices (sers per rupee) makes it necessary to re-invert the figures before calculating the percentage of rise.

wages.<sup>1</sup> On the rise of prices assumed above, this cultivator could now pay the old rent by selling about 13 maunds and he would have 7 maunds extra for himself. But suppose in the same period the cost of labour *measured in produce* has increased 25 per cent, then he requires 50 maunds for wages and 13 for rent, and has only 37 for himself against the original 40. It is little use to contend that he benefits by the enhanced price of his own share because in existing conditions he consumes nearly all of it in kind, and he is therefore really worse off than before ; while an enhancement of rent to a figure that requires 25 maunds to pay it will reduce his own share to 30 maunds.

Considerations of this kind are important. The cultivator cannot state them clearly, nor as a rule can any representative whom he may be able to employ, but he feels them all the same ; and at a time like the present, when the rise of wages threatens to produce material changes in the conditions of agricultural production, it is well to remember that the new economic conjuncture may not allow of the landholder's share of the produce remaining constant in amount. There is not as yet any definite practice regarding the correct method of raising rents on the basis of a rise in prices, nor is it likely that any detailed practice can grow up where circumstances differ so greatly<sup>1</sup>; the courts must therefore follow their own judgment, and it is all the more important that their judgment should be based on a knowledge of the real questions at issue as affecting the cultivator's daily life.

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<sup>1</sup> Readers will understand that these figures are perfectly arbitrary, and that the true proportions are probably very different.

## XXV.—COLLECTION OF REVENUE.

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We have now outlined the duties of the revenue administration in connection with the maintenance of the records and the protection of the cultivator through the courts, and may turn to the remaining executive functions, the first of which is obviously the collection of the revenue. With a revenue carefully assessed, collection should be almost automatic in ordinary seasons since the payment of revenue is associated in people's minds with the very idea of property in land, and this is so far the case that an officer may have some years' service before he gains much practical knowledge of the operations incident to collection.

In all cases of collection, the first thing is for the collector to know when the debtors are likely to have the money in their pockets, and to take the first opportunity of getting it in. This maxim applies with special force to the collection of land-revenue, because it is paid out of rents, which come from the sale of agricultural produce that ripens at definite periods. The instalments (kist) of revenue and the dates on which they fall due are therefore fixed with careful regard to the agricultural conditions of the locality. The time when rents are paid is known, and the revenue is demanded as soon as in the ordinary course the landholder will have had time to get in the bulk of his rents. In most parts of the provinces the rabi crops yield more rent than the kharif, wheat, opium and oilseeds being commonly grown for sale for this purpose, while apart from cotton and the finer rices the bulk of the kharif crops go to feed the cultivator and his labourers. Accordingly it is usual for the largest share of the revenue to be demanded about May and the balance about December; but where most

of the rent is paid from sugarcane, a substantial instalment of revenue is demanded about February or March, and other special features of the agriculture of the country are dealt with in the same way. These instalments have been fixed usually by settlement officers, and rest on so much experience that the necessity for changing them now scarcely ever occurs ; but it might arise at any moment on a change in agricultural conditions ; e.g., if sugarcane were to become unprofitable, the sugarcane kist would have to disappear and the revenue taken in accordance with the new system of cropping that had come into existence. )

In ordinary years, the occurrence of a kist day is marked by a crowd of revenue-payers at the tahsil, and for some time the tabsildar can do nothing but credit the revenue that is voluntarily offered : when the pressure slackens he has to consider the cases of those who have not yet paid and are technically in arrears. With the aid of his local knowledge he can usually make a fairly accurate classification of these defaulters beforehand. Some he knows are sure to pay but have probably forgotten. A few deliberately put off payment until pressed. Others are involved in debt, and are probably using the rents to meet more pressing claims. In a few villages the crops have failed and rents are not coming in, while there may be a residue which he does not understand. The art of the good tahsildar consists firstly in making the classification, and secondly, in taking the right measures at the right time. The Land Revenue Act lays down the various measures that can be taken, some by the tahsildar himself and others only with the concurrence of higher authorities : thus the forgetful receive a reminder (dastak) ; the regular defaulters find their movable property attached (and in very rare cases sold), or they may be sent for to the tahsil and if necessary detained there, while landholders who are squandering their rents may find their property taken under direct management,

or made over temporarily to a solvent landholder, and hopeless bankrupts may finally be sold up. In the doubtful cases, the tahsildar can either summon the landholders to appear at the tahsil, or can go to the spot and find out what is the matter, and in a short time he is in a position to know whether all the revenue will be collected, whether some may have to be postponed, or whether any exceptional steps such as reduction of the revenue appear to be necessary.

The list of authorised processes is long, and should be sufficient to meet all cases, and tahsildars are strictly forbidden to supplement it by unrecorded proceedings of their own. But tradition is strong, and the more drastic methods of collection (which we have referred to in connection with rent) die hard: the landholders, too, are accustomed to them, and have been known to regard their discontinuance as a proof of weakness. One of the still unsolved problems of the administration is therefore the prevention of unauthorised processes: the solution is being steadily worked out and irregularities or oppression are infinitely less common than they were twenty years ago, but they have still to be watched for.<sup>1</sup>

✓ It is necessary to remember that by the tradition of the service—in the main a sound tradition—a tahsildar's reputation for efficiency depends primarily on his success in collecting the revenue. There is competition between different tahsils in

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<sup>1</sup> Physical discomfort is regarded by the people as the most effective treatment for defaulting debtors. There is a tradition, for instance, that in one tahsil of the provinces two blows used to be struck with a shoe for every rupee collected (the revenue of the tahsil exceeds 1½ lakhs). Another process in great favour was to plant a body of process-servers on the defaulters, their demands for food and other provision for their comfort meaning a very heavy drain. Again a wealthy man was often forced to pay for a poor man and take his chance of recovery. Readers of Sleeman will remember that only 60 years ago in Oudh field-guns were an important part of the revenue-officer's equipment, and were freely used when the powder had not disappeared.

a district which shall be the first to have the revenue completely collected, and the tahsildar who succeeds in the race expects a letter of congratulation from his collector. The tradition is in the main sound, because tahsildars have not too much incentive for continued effort, and the landholders of a tahsil can be demoralised in a very short time by an officer who is lazy or is put off by trivial excuses. But on the other hand excess of zeal has dangers of its own. It is comparatively rare to find that in any particular season all the villages of a tahsil have done equally well: and indiscriminating pressure may drive unfortunate landholders into debt or what is more disastrous may make them pass the pressure on to the cultivators, and collect rent which the land has not yielded. This brings us to one of the questions which go to the very roots of revenue-policy—the averaging of good and bad seasons.)

In the original conception of the land revenue, the state took a share of each season's produce, and when a more elaborate system of assessment was worked out under Akbar, it was based on the average produce of a series of years; that is to say, it was assumed (tacitly) that the revenue-payers would save in good years enough of their surplus to meet the deficit in unfavourable seasons. The assumption is to some extent justifiable; with large and solvent landholders, having access to adequate banking facilities and to a wide investment market, no one could quarrel with it; but where banking means money-lending rather than depositing, and where spare cash is usually hoarded, the assumption involves a relatively high degree of foresight and forethought on the part of the person who has to do the averaging, and the smaller the resources of the individual, the less is the assumption justified. The averaging may be done either by the State, by the landholders, or by the cultivators, or it may be shared between them. If it is done by the State, the revenue-demand must vary from year

to year in accordance with the season; direct annual assessments are out of the question over any large area,<sup>1</sup> and a large part of revenue-literature deals with the possibility of approximate methods of varying a standard revenue to meet the features of each season as it occurs.

Fluctuating assessments, as such systems are denominated, may be distinguished according as they depend on the area sown or on the yield of the crop. In most part of the provinces, the area sown during a year varies within such narrow limits (except in seasons of famine when special treatment is adopted) that a system of varying the revenue with the area sown would be useless; but the special conditions of agriculture in Bundelkhand involve very great variations in the area from year to year, and there the revenue is in fact periodically adjusted on the basis of recent cultivation. No regular system of varying the revenue with the yield of crops has been found possible in these provinces, the chief reason being that there is not time for the small staff of superior officers to ascertain the yield at first hand before the time for collecting the revenue has arrived, and that it is quite out of the question to trust the unverified reports of our patwaris on a matter of this kind.<sup>2</sup>

It must be remembered, too, that there are very real objections to a varying revenue demand. One of these is financial, and, though like many financial considerations it may be pressed too far, it is still of great importance: the bulk of the expenditure of Government is more or less fixed; salaries have to be paid and business carried on, and if the income of the State is subject to large proportionate fluctuations and can be determined only after the budget for the year has been made up, accurate finance becomes impossible, that is to say,

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<sup>1</sup> Some very precarious villages in Pilibhit are assessed annually by the Collector.

<sup>2</sup> Such a system exists in the Punjab, where the status of the patwaris is much higher than in these provinces.

the taxation of the country cannot be adapted to its needs, and the administration can never know what it will have to spend. A less obvious, but not less important, objection is the effect of repeated fluctuations on the minds of the landholders. The exceptional efficiency of the revenue administration in collecting the revenue is rendered possible mainly by the fact that landholders recognise the payment of the fixed demand to be an inevitable incident of their position ; and this most important asset would very soon disappear if there were to be recurring discussions as to the sum to be paid season by season.

Now the landholder can in fact do a good deal of the averaging. His collections of rent vary with the season, and of course when the revenue was about 90 per cent of the rent-roll he could pay only by borrowing when his collections were short ; but with the revenue at 50 per cent or less of the rent-roll, he has a considerable margin, and if he does not live up to his maximum possible income,—always an unwise thing to do—he can pay his revenue in moderately bad seasons as well as in good, and it is only the really bad years that put him into great difficulties. The cultivator cannot do so much in the way of averaging, that is to say, he has few resources from which to pay rent except the yield of the current crop ; if he is to go on cultivating, that crop should, in addition to paying rent, maintain him and his labourers till the next crop is ready, and if full rent is taken from a bad crop, there is not enough left for his own needs. In practice then, the averaging of the seasons is, under the present system, shared between the three partners in the business—the State, the landholder and the cultivator—and as the existing system has been worked out more by experience than by theory, it is naturally fairly satisfactory though by no means perfect.

The essence of the present system is the distinction between calamitous and ordinarily unfavourable seasons. When a season is calamitous, Government assumes most of the

burthen and imposes most of the rest on the landholder, while in ordinary times the landholders and cultivators are left to adjust the matter between themselves. It is of course impossible to define a calamity except in arbitrary fashion, because a season's yield may vary (on the conventional scale) from nothing to 20 or 25, and definitions can only indicate the points on the scale at which action is to be taken.<sup>1</sup> This is a theoretical defect in the system, and a Collector has to allow in practice for the cases that just do not come within the arbitrary definition; but the system can never be purely mechanical in

<sup>1</sup> The official scale of crop outturn centres on the conception of a 'normal' yield; that is, a yield which should just about satisfy the cultivator. The idea is scarcely definable in strict language, and all the definitions that have been proposed are more or less open to objection; and the best working method is to recognise the normal as a definite weight of produce per acre. The normal yield is described as 16 annas and this gives the scale; entire failure of the crop is 0, and there is no limit at the other end though yields above 20 are exceedingly rare. A fair normal for wheat in the ordinary irrigated districts is about 1,200 lbs. per acre. Putting this as 16 annas, a harvest averaging 600 lbs. would be described as 8 annas, one of 900 lbs. as 12 annas, one of 1,500 lbs. as 20 annas, and so on.

This system of estimating yields has been in force for about 15 years. Before that time, different conceptions prevailed in different localities, and it is exceedingly difficult to know what the older returns of outturn really mean; nor are the old local conceptions entirely extinct. Officers can avoid going seriously wrong only if they make sure that they and their staff mean the same thing by a 16-anna yield. The whole scale seems to be largely an official product and is not understood by cultivators in large parts of the country, or it would be much less open to error. The ordinary cultivator estimates his crops at so much per bigah, and the conception is sufficiently definite for him to be able to compare one season with another. Unfortunately for administrators, his unit of weight (usually a paseri) and his unit of area (the kachchha bigah) differ so much that great care is necessary in comparing the estimates of different sets of cultivators speaking in terms of different units. But it is better to do this than to break with the cultivators' system and lose the benefit of their remarkably accurate estimates.

its operation, and the administration is staffed to deal with such matters.

Where then the existence of a calamitous season is not recognised, or in practice, when the season's yield exceeds 8 annas<sup>1</sup> on the usual scale, Government proceeds to collect the revenue of the season in full. The landholder gets as much rent as he can from the cultivators : the balance stands against them as arrears if the season has been unfavourable, while if it has been good they pay off some of the arrears of previous seasons.<sup>2</sup> In this case the landholder does most of the averaging, his income (after paying the revenue) varying according to the season ; but the cultivator takes a share in so far as payments of rent are not proportional to the yield of the year (as in practice they rarely are). When, however, the season's yield falls below the limit arbitrarily fixed as defining a calamitous season, Government foregoes (for the time at least) a certain proportion of the revenue and at the same time requires the landholder to forego the same proportion of the rent<sup>3</sup> : thus the income of Government and of the landholder is reduced and the produce left in the hands of the cultivator. Objection is sometimes raised to the action of Government in insisting on the landholders foregoing more rent than what they save in revenue ; but it must be remembered, first, that if the calamity has been rightly estimated the cultivators could not pay the whole rent without crippling their productive power, and

<sup>1</sup> In Bundelkhand the limit is more favourable to the landholder.

<sup>2</sup> It is very rare for the rent-roll to be collected in full over a series of years, as individuals are constantly leaving bad debts. Ordinarily careful management should eventually collect from 90 to 97 per cent of the rent-roll, according to circumstances.

<sup>3</sup> The law in this matter differs : in Agra, Government has power to suspend the collection of rents ; in Oudh no such power exists, but suspension of revenue is given conditionally on rents being suspended.

secondly that the arrangement is strictly in accordance with the whole idea of the landholding system as gradually evolved in the provinces. The landholder is entitled only to a share of the surplus produce after providing for the cost of production, and if there be no surplus he is entitled to nothing.

The portion of revenue foregone by Government is usually in the first instance 'suspended,' that is to say, carried forward to be collected in more favourable seasons; but when it is considerable, a large proportion of it is sooner or later 'remitted,' that is, the claim to it is finally abandoned and the loss borne by the State; and when the calamity is very serious it is usually wise to remit some part of the demand at once, so as to put heart into the people. Rents are treated in the same way, and thus after each calamitous season the administration has to face the extremely delicate task of distributing a large portion of the loss between the landholder, the cultivator and itself. It is an invidious task, and one that few administrations would willingly assume, but it arises necessarily from the position of the State as a partner in the productive business of agriculture, with the paramount interest of seeing that the cultivator has every chance of making the most of the land. We shall return to this point when dealing with the principles underlying the administration of famine-relief.

The scale of relief, the operation of which has been described, is primarily applicable only in cases of widespread calamity. In India accidents of season usually have widespread effects because the conditions governing the weather operate uniformly over large areas; but there are local calamities also. The commonest of these are perhaps floods and hailstorms: floods may be widespread, but more commonly their effect is limited to a few low-lying villages or portions of villages, while hailstorms are exceedingly local, the full effects being often

such calamities the governing principle is the same—to leave the cultivator in the best possible position, but it is usually unnecessary to work on a general scale, because the staff is able to determine the actual loss field by field and to adjust the revenue-relief to the particular circumstances of individuals.

The distinctive feature of calamities, whether widespread or localised, is that they can hardly escape attention. Only a rudimentary intelligence-system is required to keep the administration informed of the incidents which threaten to produce sudden and serious loss: rainfall returns, a record of the course of prices of agricultural produce, and special reports by the patwaris of any untoward occurrence, ought to be sufficient to keep the Collector warned of the approach of such emergencies. But an even more serious danger to the revenue lies in the gradual deterioration of agricultural efficiency, due not to any sudden calamity but to some slow-acting and not very obvious cause. In such cases nothing particular happens to attract attention, only the people get gradually poorer, there is increasing difficulty in collecting revenue and rent, holdings begin to be thrown up and less and less land is cultivated. The actual losses from such causes have in the past been so great that an elaborate intelligence-system has been organised to ensure so far as possible that their early symptoms shall not be over-looked and that remedial measures shall be applied while there is yet time. The following sections will deal first with the principles of famine-relief, a subject which arises naturally from the consideration of the effect of calamities on the revenue, and then with the system of watching for the beginning of deterioration, with its still more modern development, the watch for opportunities to increase agricultural efficiency.

## XXVI.—PRINCIPLES OF FAMINE RELIEF.

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The word famine in its ordinary sense denotes an actual insufficiency of food for the population affected, and consequent deaths from starvation ; and famine in this sense was familiar to the people of the provinces until within the last half-century. The economic progress of the country is nowhere more clearly manifest than in the fact that this sort of famine is now obsolete : the name survives, but it now denotes a period of unemployment, a phenomenon familiar to most Western countries, but in India at once rarer and more acute. The mass of the people are dependent on the single industry of agriculture, deriving their subsistence from it as cultivators or labourers, while most of the artisans depend mainly on the agriculturist's consuming power. When therefore the agricultural industry is unsuccessful, large numbers of the cultivators may be left with insufficient means of support, and in any case they will have no money to spend and very much less than usual to pay to labourers, so that all the productive members of the community suffer simultaneously. The large unproductive classes suffer still more acutely from the same cause. The practice of individual charity is so widespread in India that no regular poor-law has hitherto been required, since the aged, the infirm and the useless are assured of a livelihood ; but charity dries up when there is not enough food for the family, and these classes are then left without support.

The primary condition for a famine is the failure of the latter portion of the monsoon rainfall, or more popularly a dry September. When this occurs, the bulk of the rice and millets which feed most of the people for the greater part of the year is wholly lost, and at the same time the ground is rendered

unfit for sowing the winter crops. There is then nothing to give away, very little to spend in wages, and often very little for the cultivator to eat; and in the days when communications were deficient it was a physical impossibility to bring the required amount of food into the country affected, though it existed in other parts of India.<sup>1</sup> The labourers, the unproductive classes, and many cultivators had then the choice of starving at home, or abandoning their homes and wandering in search of work; and this wandering became almost instinctive with the people in such seasons. Winter crops of course could not be sown, so that the bulk of the produce of two seasons was lost, and when the rains came in the following season, many cultivators were missing, and of the survivors many had lost their cattle or were unable to command the capital for cultivation. The economic effects of such a famine were therefore of considerable duration, and it was only after a series of years that the loss of wealth was made good and that the land came fully under cultivation.

In the earlier famines the State was almost helpless. Local officers did what they could to relieve distress, but they could not do much, and Collectors had to stand by and see their districts ruined. Gradually however a consistent famine policy was worked out, and though finality in such matters is probably unattainable, each successive famine is now met with better organisation and the resulting economic loss is minimised, so that an observer is now struck mainly by the extraordinary rapidity with which the country recovers from a calamity that would in the past have left its mark for half a

<sup>1</sup> It is difficult to realise that this was true only half a century ago. In the famine of 1861 it was shown that all the carts and pack animals in the country were physically insufficient to transport enough grain to feed the affected population. Readers should consult the chapter on Famines in *Morison's Industrial Organisation of an Indian Province* for further information and references on this point.

generation. The main lines of this policy are (1) ensuring a supply of food ; (2) providing work for labourers and for those cultivators who require it ; (3) feeding the unproductive classes ; (4) giving facilities for the resumption of agricultural operations at the earliest possible moment.

The first absolute necessity was the construction of railways. Between 1860 and 1875 many railways had been built mainly as commercial ventures, and after the famine of 1877 the position was reviewed and the lines still required for distribution of food were determined and gradually constructed. This work is now practically complete so far as the province is concerned, and deficiencies in local food-supplies are now met unfailingly in the ordinary course of trade, supplies pouring in from the Punjab, Central India and even Burma as the need arises. But at first trade was somewhat shy because the tradition of the country was in favour of Government interference. Indian states were accustomed to prohibit exports of grain that they might need later on, and local officials would not let grain leave their jurisdiction. The resolute attitude of Government in refusing to listen to any suggestions for interfering with private trade has now killed the old tradition (though such suggestions are still put forward by Indian publicists from time to time), and the whole of India is now one market for food, so that any local surplus moves automatically under the influence of prices to the area of deficiency. The climates of India are so varied that anything like a general deficiency of food is almost unthinkable, and certainly has never occurred within historical times ; and now there is practical certainty that food will be available for every one who has the money to buy it, though its price will be extremely high.<sup>1</sup>

<sup>1</sup> The statements in the text refer to the country as a whole. There are still isolated localities where the supply of food may be threatened. The Kumaun hills are an instance in these provinces. There are no possible railways, and pack transport is the only means

The second measure, the provision of work, has a long and intricate history, which can best be studied in the reports of successive Famine Commissions. The evils resulting from large public works hastily organised to meet a sudden emergency are known to all students of the unemployment question. Very little work is done for the wages paid ; the cost of supervision is disproportionately high ; the work is badly done ; and sometimes when completed it proves of little or no use. The docility of the people and the efficiency of the administrative machinery have minimised these evils in the United Provinces, but they can never be entirely avoided ; and while much effort is spent in selecting suitable works beforehand and in having everything ready for an orderly start in case of emergency, it is also recognised that there are greater advantages in promoting the undertaking of small works by landholders for their own benefit, because they are likely to avoid to a large extent the drawbacks of State works. Money is therefore lent on favourable terms for such works ; and in some cases a portion of the cost is borne by Government. But it is still better to ensure that as many of the people as possible are placed in a position to follow their usual employment, for the simple reason that raising food for sale at famine-prices is a more productive industry than any alternative that can be taken up at short notice. Recent developments of famine-policy have therefore lain in the direction of promoting field-work on the widest possible scale. As has been said above, one of the features at the beginning of a famine is the unfitness of the land

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of carrying grain, while there is no regular trade as each valley feeds itself in ordinary times. Government has until recently met scarcity in the hills by importing grain at its own cost and selling it in the affected areas (the population of which is very small). In the scarcity of 1907 however it was found possible to dispense with this measure : money was advanced to merchants who undertook to carry on the trade, and probably Government importations are now a thing of the past.

for sowing the winter crops ; but over large areas this drawback can be removed by irrigation, and now the first step in a famine campaign is the granting of advances to cultivators to ensure sowings. The digging of wells, raising water from canals, preparation of ropes and buckets, and other operations rendered possible by these advances, all mean a large immediate demand for labour, while the presence of the crops means employment later on in irrigating, cultivating and harvesting, and a great addition to the food-supply.

At present then employment is provided, first, by advances of money to keep ordinary work going as far as possible ; secondly, by small works carried out mainly at the expense and for the benefit of the landholders ; and thirdly, by large public works in localities where the other measures are insufficient. But experience has shown that no small portion of the success of a famine campaign depends on putting heart into the people. As we have seen, the tradition is to run away, while the best results are obtained by keeping people at their ordinary work as long as possible, or at least by keeping the life of the village intact so that ordinary work may be resumed when circumstances permit. The action of the State in this direction has been described as 'moral strategy,' and consists mainly in putting money into the cultivators' pocket. The payment of revenue and rent is suspended at the earliest stage, and money is lent for practically any purpose connected with field-work—cultivation, irrigation, or purchase of seed or plough-cattle ; and recent experience shows that with the aid of these stimuli the cultivators do, as a matter of fact, take heart to work their hardest instead of following the traditional practice of sitting down to starve or wandering away in search of subsistence ; in fact that they fight the calamity for themselves and co-operate with the State, instead of waiting to be fed.

But these measures cannot help the unproductive classes, for no matter how much the cultivators are helped they will not

have much to spare for charity until good seasons return. It is usually necessary therefore, first, to organise poor-houses for the relief of persons with no fixed home, and, secondly, to introduce what is known as 'gratuitous relief' in the villages. This last is merely outdoor relief in the English sense, but organised on rather striking lines. The leading men of each village with the patwari draw up a list of the persons needing relief, which is checked by the personal inspection of higher officials, and each person admitted to the list receives a periodical dole. Similarly, arrangements are made to help artisans, chiefly weavers, usually by organising a market for their work and advancing money to keep them going, and each particular class of the people is cared for in the most suitable way.

A famine ends, as it began, in large advances to cultivators to enable them to sow the next kharif crop. The scarcity of fodder has probably killed off large numbers of working cattle, while seed has to be bought at famine-prices, and the success of the coming crop depends on the power of the cultivators to meet these needs ; the interest of Government is that the kharif crop should be sown on so large an area that—if the rains are ordinarily favourable—the last signs of distress will disappear as the harvest comes in, and the cultivators may set to work, with adequate resources, land in good condition, and minds at peace, to pay back the money they have borrowed to carry them through the calamity.

This policy of famine-relief is an undoubted success, and its gradual organisation is probably one of the greatest achievements of the co-operation of the English and Indian races : but 'prevention is better than cure,' and the State has for some time recognised that a consistent policy is wanted for execution in more favourable seasons, so that each succeeding drought shall find the people in a better position to resist its effects, the ideal being to prevent famines rather than to palliate the losses which they cause. The policy of famine-protection thus merges

in the larger ideal of the administration, the increase in the wealth of the agricultural community ; but before dealing with it, we must glance at the growth of this conception, which sprung from the attempt to detect and combat the causes of agricultural deterioration.

## XXVII.—AGRICULTURAL DETERIORATION.

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The experience of the last century has established the fact that the interest of the State is bound up in the prosperity of the cultivators. The policy of famine-relief is no doubt largely dictated by humane motives, but it would not be difficult to show that as a financial transaction it pays the revenue-receiver to help agriculture through seasons of stress, and this is true not only of seasons of actual calamity, but of periods of what is described as agricultural deterioration. Deterioration is the result of slowly acting but cumulative causes which diminish the resources of the cultivator in one way or another. These causes may be purely social, or they may be economical or physical, and a few illustrations of these classes will indicate the nature of the position which the State may have to face.

A common social cause of deterioration is mismanagement on the part of landholders. We have seen in an earlier section that the first condition for the success of agriculture is the existence of adequate incentive to call forth the best efforts of the cultivator; and the most important productive function of the landholder is to manage his land in such a way that adequate incentive shall not be lacking. Estate management, however, is an art and its principles are by no means universally understood, while in practice they are frequently ignored; and the efficiency of agriculture soon falls off progressively where the rents are unduly high, where every penny is taken that can be got by any means, and where cultivators are left without assistance in procuring the instruments of production. Cultivators lose heart in this sort of environment, and the quality of their work, and consequently the value of their produce, falls off, while the land deteriorates in condition for want of

proper treatment. The result becomes obvious when unfavourable seasons occur ; the cultivators have no margin to work on and break down under a stress which men on well-managed estates are able to withstand ; even if they remain on the land they are unable to pay the rents, and then the landholder gets into difficulties about paying the revenue, presses his tenants harder to enable him to pay it, and so things go on from bad to worse.

Economic causes may be illustrated by considering the effect of a change in the world's markets. Take the case of a tract of country naturally adapted to the cultivation of sugarcane, where most cultivators grow some cane every year, and where the whole system of agriculture is directed to the success of this crop. If then the price of sugar should fall to a point at which the cultivation of cane in this tract becomes barely profitable, the whole system will be thrown out of gear ; cultivators have not as a rule the intelligence and versatility required to cope with such a situation ; while prices are falling they will continue to grow sugarcane as long as they can but with less and less profit, and their resources will therefore gradually diminish, while as each in turn finds himself forced to give up the crop he will be driven to cultivate cheaper and less remunerative substitutes. The fall in the price of sugar during the last 15 years has undoubtedly caused some injury to the productive resources of various tracts in Oudh and in Rohilkhand, and a marked further fall would give rise to great apprehension for the prosperity of a large portion of the country.

A good example of what may fairly be called a physical cause acting with cumulative effect is the increase of wild animals in areas bordering on cultivation. As wild cattle, deer and pig multiply, their ravages on the edge of cultivation tend to make the border-fields unprofitable. As these are left fallow, grasses and shrubs spring up on them which afford fresh cover

for the predators, and the edge of cultivation gradually shifts, depriving the people of a proportion of their resources while constantly exposing fresh land to loss. This process occurred on a large scale on the borders of the Agra district about 20 years ago, so much so that it became necessary to fence the border with barbed wire for a considerable number of miles: once the fence had been constructed the lost land rapidly returned to cultivation.<sup>1</sup>

Another illustration may be drawn from the deterioration of the light soils in the north of the Agra division which constituted such a serious problem about twenty years ago. These soils are naturally fairly productive, and under the influence of the Lower Ganges Canal which was opened in the seventies, agriculture reached a high stage of development. A series of wet seasons however proved disastrous: the natural drainage-system proved inadequate to cope with the heavy rainfall, supplemented by the additional supplies of water from the canal, and the water-level of the soil rose to a point which affected its productivity. The crops became poorer, and as the worst land failed to pay and went out of cultivation, it became covered with strongly-rooted weeds which extended rapidly. More and more land went out of cultivation: the impoverished cultivators lost heart and holdings were gradually abandoned: landholders could no longer collect rent, and therefore could not pay the revenue, and in the absence of any effective intelligence-system, the attention of the administration was first attracted by the difficulties in collecting revenue. It then became necessary to make considerable reductions in the assessment; while large expenditure on drainage-works (aided by the cessation of wet seasons) soon made it possible to bring the land again under cultivation and prosperity was ultimately restored.

<sup>1</sup> The development of the Bharatpur State has now made it possible to remove this fence as the number of wild animals there has been reduced to reasonable limits.

Many similar instances might be drawn from the history of different parts of the provinces, especially Bundelkhand, but the foregoing illustrations will suffice to show the kind of tendencies for the appearance of which the State has to keep a vigilant watch. There is nothing in the nature of a catastrophe to attract attention to the first beginnings of deterioration, but the tendencies are cumulative in their action, and if they are overlooked at first, the direct loss of revenue, and the direct loss to the people, become very much greater than if they had been promptly detected and remedies promptly applied. The great objects of the administration are therefore first, to get the earliest information of anything that is going wrong, and secondly, to be equipped with the means of applying remedies. The measures taken to attain the first object constitute the intelligence-system which will now be described.

It might be thought that landholders and cultivators could be trusted to supply the earliest intelligence of the dangers that threaten them, but past experience negatives this view. The people of the province have a wide traditional knowledge of the activities of governments in the past: and probably they are justified by their traditions in regarding all State activity with distrust. The action taken by the English Government in the past half century has scarcely had time to modify these traditions, which are based on many centuries of either neglect or active mis-government, with perhaps occasional glimpses of a golden age of short duration; and the attitude of the people has hitherto been to avoid troubling the Government with their private affairs. We believe that this attitude is changing, and that the interest shown by the State for some time past in all matters affecting the success of agriculture is gradually teaching the people that when things are going wrong, it is worth while telling the Collector and seeing if anything can be done; as this change becomes general the need

for the present elaborate intelligence-system will become less and less, but for the present it is indispensable.

The system consists in (a) the tabulation year by year of the agricultural statistics of each individual village and of each homogeneous agricultural tract<sup>1</sup> in a form that facilitates scrutiny ; (b) in the scrutiny of these statistics by officers of sufficient intelligence to pick out any case where something appears to be going wrong ; and (c) in the local investigation of these cases to ascertain what is the matter and how it can be remedied, or if it is not remediable what palliatives can be applied. The statistics are tabulated in the various statistical registers maintained by the registrar kanungo, the common feature of which is that the figures of successive years appear in order on the same page. Thus, by glancing down the column for cultivated area it is possible to see whether cultivation in the village or circle is increasing, constant or decreasing, and so for each statistical item that is tabulated in a separate column. The use of these registers requires a fairly high degree of intelligence,<sup>2</sup> and also that knowledge of the conditions of agricultural productivity which is a necessary qualification for administrators of the land-revenue : the main object is not so much to detect sudden or violent fluctuations, though these may be important in themselves, as to pick out the

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<sup>1</sup> That is, as a rule, of each assessment circle, since the circles consist, in most cases, of homogeneous tracts.

<sup>2</sup> In this country clerks have considerable aptitude for misusing all kinds of statistics, but perhaps their most prominent failing in this respect is in the calculation of averages. An average is a useful figure when the items on which it is based are homogeneous and about the same order of magnitude ; but if, for instance, one district contains 1,000 brood-mares, and another district two, the statement that the average number of brood-mares per district is 501 means nothing whatever. Averages of this kind are often shown by careful clerks who wish to make their statistics formally complete, and their use may mislead an officer in matters of considerable importance.

cases where something appears to be going wrong, with a view to seeing what is the matter and how it can be remedied.

The value from this point of view of the various statistical items naturally differs. Thus any tendency towards a shrinkage in the cultivated area, or in the area under particular crops of value (such as poppy, sugarcane or wheat), is certainly so important as to justify enquiries as to its cause ; so is any decline in the proportion of rents collected, any increase in the number of revenue processes, or of ejectment of tenants, any marked growth in transfers of land, a decline in the number of wells, or the extent of irrigation facilities, and so on. But to interpret the figures accurately, it is necessary to have at hand a concise account of the features of the recent seasons : officers who have been some time at work will naturally carry this in their heads, and will recognise almost instinctively that (e.g.) a fall in the area irrigated in a particular year is sufficiently accounted for by favourable winter rains ; but an endeavour is now being made to incorporate the necessary information in the registers dealing with the larger areas so that they may be complete in themselves.

When an officer has examined the registers regarding the area under his jurisdiction, he will ordinarily have a list showing matters requiring investigation. One or two of these will affect the whole of one or more tracts of country, the rest will affect individual villages. His business then is to investigate these matters for himself on the spot. It has been said above that the people cannot be relied on to bring their troubles to the notice of Government, but if an officer goes to a village and enquires why the wells are not giving water, why people are giving up sugarcane or poppy, or why rents are not being paid, he will find the inhabitants quite ready to tell him the proximate causes, and attempts at deception are very rare : but he may have to use his intelligence to work back from the proximate to the governing cause, and to find the point at

which the tendency can best be attacked. And he will find the people equally ready as a rule with suggestions for the remedies to be applied, not always practicable or likely to produce the anticipated results, but always deserving of consideration. Having then found out what is wrong he will set to work to see if it can be remedied on the lines indicated in the following sections. But remedies take time to apply, and the first question for consideration is usually whether the facts justify an immediate reduction of the revenue demand, coupled with a corresponding reduction in rents. Ordinarily this necessity will not arise if the tendency has been detected before much harm has been done, but it has to be faced in all cases where the productive powers of a village or tract have been so much reduced that the estimate of the assets framed at settlement can no longer be regarded as fair in existing circumstances. He has then to consider the assessment-statement, contrast item by item with the existing resources as shown in the recorded statistics or in the patwari's records, and if the present assets do not justify the revenue, to obtain sanction to its temporary reduction to what the village can actually pay, leaving the question of permanent reduction or restoration to the old figure to be considered when the remedies which it is possible to apply have had time to produce results.

## XXVIII.—IMPROVEMENT OF AGRICULTURAL CONDITIONS : A—WATER.

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We have thus seen that the State has been led by experience—and apart from theoretical considerations—to take action for the improvement of agricultural conditions along two main lines—the equipment of the people to face a famine, and the counteracting of any tendency towards a deterioration in productivity. The policy foreshadowed by these special cases has gradually merged in the wider view, that it is the object of the State to secure (so far as State action can do this) that *the cultivator shall have the freest scope for his energies, and shall have command on the easiest terms over all the factors of agricultural production.* The formula is wide, but its justification will be gainsaid by few among those who have studied the economics of the country.

Scope for the cultivator's ability is secured, so far as social and political conditions permit, by the enforcement of the tenancy laws; and a brief review of the principal factors of production will indicate the lines of State-activity in regard to them, so far as this is possible without diverging into a treatise on the agriculture of the provinces. The first great need in our climatic conditions is for an adequate supply of water for irrigation, and the advantages of State intervention in this matter have been recognised from an early period. Irrigation canals were, in fact, constructed under some of the Mohammedan dynasties, and were remarkable works, but they suffered from the want of specialised engineering skill.

Beginning with the Ganges Canal, the English Government has now constructed irrigation works that utilise almost the whole of the water-supply available in the larger rivers, and has done this—taking all the works together—on sound financial principles as the net income gives a considerably larger return than is paid for the capital that has been borrowed. These great works naturally became the charge of a separate Irrigation Department, working in close touch with the revenue administration: this department makes and maintains the canals and determines the charges due for the water supplied, while the collection of these charges is undertaken by the tahsildar. The ordinary charge is fixed at a seasonal rate of so much per acre irrigated (varying according to the crop and as the water flows on to the land or has to be raised to it by the cultivator). This rate is called the 'occupier's rate' and is the main source of the departmental revenue. In addition there is still in some parts of the country an 'owner's rate'; that is, a rate payable by the owner on land which was assessed at the current settlement as unirrigable and which has subsequently been brought within the reach of canal-water. At later settlements this land is naturally assessed as irrigable and a separate rate is no longer charged<sup>1</sup>; the owner's rate is in fact a temporary expedient designed to secure to the State a share in the enormous advantages that accrue automatically to the landholder from the introduction of canal-water.

The fixing of the occupier's rate is a highly technical operation, and any changes proposed have ordinarily to be referred to the Government of India with the opinions of revenue and irrigation officers on the subject. Now the ordinary tendency is for irrigation officers to aim at high rates; that is, at rates just so high as not to discourage the consumption of water. That is the course that would be followed by

<sup>1</sup> In the provincial accounts however a corresponding reduction is made from receipts under land-revenue and credited to irrigation

any enlightened monopolist in such a case since the charges incurred in the service are largely independent of the amount of water disposed of, and therefore the greatest gross revenue will usually give the greatest net income. The success of a canal-administration tends to be judged very largely by its financial results, and consequently the natural attitude of its officers coincides with that of the private monopolist. Revenue officers on the other hand are apt in such questions to take the side of the landholders and cultivators, who naturally clamour for the lowest possible rates, and this divergence of opinion tends to manifest itself almost as often as any question of rates arises. The fact is that the water is worth much more to the cultivator than any rates that are within the range of practical politics, and the fixing of rates is in essence a distribution of the cultivator's extra profit. The State takes its share in the form of the rate, and the balance is distributed between landholder and cultivator by the gradual adjustment of rents, the tendency being for the landholder to take it all except in so far as he is restrained by the action of the tenancy laws. Now, taking the widest possible view, there is no reason inherent in the landholder's position why he should benefit enormously by the advent of canal-water. The water of the great rivers does not in any sense belong to those landholders on to whose property it is brought without effort on their part; it belongs (so far as the conception of property can be applied) to the whole community, and it is the business of the State to utilise it for the best advantage of the community as a whole. Engineering and agricultural considerations make it impossible to give every member of the community a share of the water; the canals must be aligned according to existing levels and the water applied to the land that it will benefit; but the beneficiaries are not entitled thereby to the whole of its advantages. These considerations seem to us to justify the State in charging rates substantially higher than would suffice to cover the cost of

supply. The balance collected goes into the common funds of the community, that is the State revenue, and replaces the need for a certain amount of general taxation ; and when the people of a district like Meerut clamour for lower rates, it is necessary for the State to consider the claims of districts like Budaun and Hardoi to a share in the proceeds of those great natural resources, the rivers of the country.

Revenue officers can do a good deal to increase the utility of the irrigation-services in matters of detail. They will often, in the course of their local investigations, come across cases where part of a village is short of water, where channels could be better aligned, or distribution improved ; and friendly representation of such cases to the local irrigation-officers will usually result in some improvement of the supply. And they can also do much good by interpreting the action of the Irrigation Department to the people affected by it : cultivators are very apt to regard irrigation officials as hostile, and some subordinates of the department are not very considerate in their attitude to cultivators' requests, so that there is always risk of friction arising between the two parties to the practical inconvenience of all concerned. The revenue administration (here as in other cases) has sometimes to act as an intermediary and interpret each party to the other.

The system of canals developed in Northern India is, in its way, one of the greatest things in the world, and its importance can best be realised by comparing its scope with the similar but much smaller operations in other countries. But in the United Provinces it irrigates a much smaller area than is supplied from wells, which away from the canals are much the most important factor of production. The State has always shown some interest in the construction of wells, but it is only in recent times that their importance has been fully recognised, and though they exist in enormous numbers there is still almost unlimited scope for further construction.

The idea of State-construction has often been mooted, but all experience shows that in ordinary circumstances small works of this kind are more cheaply and efficiently made by private enterprise, and it is in facilitating this that the activity of the State is likely to be most effective. One side of this activity is to be found in the provisions of the tenancy laws securing to certain classes of cultivators the right to sink wells; and with this may be correlated the example set on estates under the Court of Wards, in most of which the systematic equipment of the land with the wells it requires is a fundamental part of the policy of management. Again, there are large areas where the location of a successful well is doubtful, and for these cases the Agricultural Department provides boring-tools to test the strata at proposed sites. But general experience suggests that, if a good site can be found, and if the landholder will help, cultivators will in time make most of the wells that are wanted, always provided that they can get the capital they need on reasonable terms. When therefore a village is found which needs an increase in the number of wells, or improvement in those that exist, an officer's duty will usually be to make sure that the landholder will help (and most landholders will do so if taken in the right way), and to see that capital is made available. In the course of this survey of the factors of production, we shall come across various other cases where the concrete needs of the cultivators resolve themselves into a demand for capital, and we shall postpone what has to be said on this point till the remaining factors have been considered.

The State is also interested in the conservation of water on the land. On some soils it makes all the difference to the agriculturist whether the bulk of the rainfall runs off the surface or sinks into the ground, and works constructed to ensure the former object may be of the greatest benefit. These works may be large storage reservoirs, the effect of which is to keep the

land below them moist and to improve the yield of the wells ; or smaller reservoirs, or merely substantial field-embankments ; their value is greatest where the natural slope of the ground facilitates a rapid run-off of the rain-water, and they are therefore naturally most required in the southern districts of the province. But in almost all rice-tracts there is room for large numbers of moderate-sized embankments to hold up enough water for the special needs of the crop.

The construction of the larger conservation-projects is almost necessarily work for the State, and it is now being carried out by the Irrigation Department. Small embankments, on the other hand, are most economically carried out by private enterprise, and in their case, as with wells, provision of capital is the most important matter, together with, in some cases, assistance in taking levels and laying out the work. The utilisation of the water of the minor rivers where the flow is too small to justify the construction of a canal is another operation in which the State is interested ; its success depends mainly on the provision of proper pumping-installations.

Questions of drainage are so closely allied with those of irrigation that the subject may be noticed here. In tracts watered by canals, the surface drainage of the land is in charge of the Irrigation Department, and defects that come before revenue officers have to be referred to it for removal. Away from the canals, the subject is one of great difficulty ; it is almost impossible for a landholder or body of private persons to construct any but the smallest drain, because a drain affects so large an area and in very different ways, and owners of high lands affected will naturally oppose a drain that may be indispensable to the success of land lying at a lower level. It is not then at present always possible to help the people when drainage is wanted, but it is of the greatest importance to place the necessity on record : the arterial drainage of the lower parts of the provinces is now coming within the sphere of practical

politics,<sup>1</sup> and records of all areas that have suffered in the past will be invaluable to the drainage engineers when conditions of staff and finance make their appointment possible.

There is one consideration that should always be in the mind of officers who have to look at any question of drainage, and that is the effect of the seasons. After a season of heavy rainfall, there may be calls for drainage from many villages where the crops have been injured and the houses flooded, but drains cut to meet all these calls would probably do a great deal of harm when a season of light rainfall followed, because they would carry off water that would have been invaluable if allowed to soak into the ground. The people know this, and have a way of interfering with existing drains by blocking them up in a hurry that is ruinous to the proper maintenance of the channel ; the great need is an arrangement for regulating the arterial drains so that the swamps and hollows which it drains in wet seasons may be locked to serve as reservoirs of water when the rains cease prematurely.

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<sup>1</sup>An arterial drainage scheme has been drawn up for Hardoi, a district that has suffered perhaps more than any other from defects in the natural drainage, and is gradually being carried out. The need for similar operations will probably be found to exist in most of South Oudh, roughly between Lucknow and Jaunpur.

## XXIX.—IMPROVEMENT OF AGRICULTURAL CONDITIONS : B—CATTLE.

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The supply of efficient plough-cattle may next be considered among the factors of agricultural production. Every one realises in a general way that the cultivator needs some sort of power for drawing his implements, and that in the existing economic conjuncture bullocks and buffaloes are the only possibilities; but it takes some degree of familiarity with village life to appreciate the conditions that have to be fulfilled in arranging for a satisfactory supply of cattle. There is very little grazing to be had in most villages, and in India even more than elsewhere agriculture is economically impossible if the fodder for the working animals has to be bought. The farm must therefore provide the bulk of their food either in the form of fodder-crops, or more commonly in that of secondary produce such as straw, or the millet stalks which form the bulk of the cattle food consumed in the province. Consequently there is a very close interrelation between the size of a holding, the class of crops grown, and the number and quality of the cattle employed, and thus we get the remarkable contrasts between different parts of the province,—costly and powerful cattle and copious fodder crops on the large holdings in Meerut, and the wretched animals that seldom get a full meal in the rice-tracts of Azamgarh. Cultivators in the mass can usually be trusted to get the cattle that are suitable to their holdings. Their interests are that the cattle shall be healthy and cheap, and that money to buy them may be available on reasonable terms. The last item is again a question of the supply of capital, which will be considered in later sections.

The greatest dangers to the health of agricultural cattle consist in the various contagious diseases which are always present in or near the province, and which occasionally spread in epidemic form causing very great losses of agricultural capital. The most generally feared is rinderpest because it spreads very rapidly and has a very high death-rate ; the death-rate of anthrax and some similar diseases is perhaps even higher, but their spread is less rapid, while foot-and-mouth disease with a relatively low death-rate causes great losses by the rapidity of its dissemination, large numbers of animals being thrown out of work for weeks at a time, and in many cases permanently weakened. There is a special department of the Government, the Civil Veterinary Department, charged primarily with the care of agricultural cattle, and here again effective action depends mainly on close co-operation with the revenue administration. The officers of this department have no direct executive authority : the detailed work in districts is done by officials termed veterinary assistants, who are servants of the District Board and therefore under the control of its chairman, the Collector. The department has to lay down the policy that should be followed, and to watch and assist in its working, while the Collector has to see that it is carried out efficiently, and that information of all outbreaks of disease reaches the veterinary assistant in time to be of use. The duty of reporting disease rests primarily on the patwaris, and is still very imperfectly performed by them ; but on the other hand District Boards have hitherto employed so few veterinary assistants that they have been unable to cope adequately with the outbreaks reported, and for the proper protection of cattle both better reporting and a larger staff of workers are required.

It should be clearly realised that the primary duties of veterinary assistants are those of sanitary, not medical, officers. It is of very little use trying to cure affected animals, especially as specific drugs for the most dangerous diseases are not known,

and while a few animals are being treated the epidemic may spread to uncontrollable dimensions. The object to be aimed at is to limit each outbreak as it occurs, to segregate the infected animals, and to adopt such prophylactic measures <sup>1</sup> as are possible in the case of the healthy animals in the vicinity. In the case of rinderpest, recent research has disclosed one such measure of the greatest value in protective inoculation, which is the stand-by in dealing with this disease, and it may be hoped that eventually other diseases may be dealt with on similar lines; but whatever measures may be adopted, their success depends primarily on the promptness with which they are applied, so that each successive centre of infection may be treated before it has grown to an unmanageable size.

It will be readily understood that if such measures are to be a success, the co-operation of the people is essential, and there are reasons connected with the early history of the department why this has not yet been fully secured. In the early days the veterinary assistants were subject to little control or supervision, and many of them spent much of their time in working up a profitable practice among the horses and cattle belonging to the larger landholders. Their training too was often defective, and even as practitioners they were not a uniform success, while their *morale* was distinctly low. They thus became unpopular and failed to secure public support. There are distinct signs that the efforts made in recent years are beginning to bear fruit, and that the value of their preventive work is now becoming recognised by the people<sup>2</sup>; and for the present the aim of the revenue

<sup>1</sup> The obvious prophylactic, slaughter of all infected animals as practised in nearly all countries, is out of the question in India, as the sanctity of cattle is such that the existence of disease would certainly be concealed if there were any suggestion of slaughter.

<sup>2</sup> In particular, the early hostility to inoculation in any shape or form is now in most districts a thing of the past.

administration must be to hasten this change and bring the people into sympathy with the work of the department, while seeing that the local staff is gradually brought up to a reasonable standard.

Lastly, the cultivator wants his cattle cheap, and the present prospects indicate a progressive rise in prices. It is true that every substantial cultivator likes to keep a cow for the sake of the milk ; but the fodder-supply in most villages is as we have said limited, and it is difficult to rear calves successfully where the milk is wanted for the house and there is little grazing for young animals. In any case, the number of villages that supply their own cattle is relatively small ; most depend on importation. Cattle are bred in the less developed parts of the province, where alone sufficient grazing is to be had, the submontane districts on the north and portions of Bundelkhand in the south, while large numbers are also brought from the Native States lying to the south and west ; but almost everywhere the tendency is to bring pasture under cultivation, and the area of supply has greatly contracted within recent years. Recent discussions have indicated that the risk of an inadequate supply cannot be averted by any action on the part of Government, and that a rise in prices must be faced sufficient to call forth the cattle that are wanted ; but at the same time that Government can do something, and that the land-holders can do a great deal more, to facilitate the adjustment of supply and demand by measures the introduction of which is still a matter for the future. In the meantime officers engaged in local administration can render the people substantial service by bringing to notice the needs of definite localities in regard to cattle.

So much reliance has at times been placed on the forests to maintain the supply of cattle or of fodder for the agricultural districts, that a few words may be said in this place regarding the activities of the Forest Department. A forest maintained

on scientific principles can in favourable market conditions give a high annual profit from the timber and other produce; while in hilly country the maintenance of forests is essential to retain as much as possible of the rainfall, and thereby reduce erosion of the land and regulate the flow of the rivers in the plains, minimising floods and prolonging the period of flow in the dry season. All experience leads however to the conclusion that an adequate area of forest cannot be maintained where the land is in private hands, so long at least as agriculture is a profitable pursuit; the forests are exploited rapidly, and even if the land is not brought under cultivation, they are not replanted or permitted to reproduce themselves naturally. Most of the existing forests of the provinces have consequently been brought, to a greater or less extent, under the care of the Forest Department, and it is an unfortunate fact that the ideals of the department diverge very widely from those of the agriculturists living in their neighbourhood. The Forest Officer would prefer a large compact area where no one but himself and his subordinates could enter, so that the terrible risks of fire are eliminated, and whence he could exclude all cattle or other animals that are likely to eat or tread on seedling trees, and thus prevent natural reproduction of the forest. The cultivator on the other hand regards a forest as a place where he can send his cattle to graze, where he can get wood and minor produce for the trouble of gathering it, and (occasionally) where he can burn off the grass and trees to secure a crop of fresh grass for his cattle or some virgin soil for cultivation. In practice a working compromise is arranged between these divergent aspirations, and the cultivators living near the forests are given reasonable rights of fuel-supply and grazing on terms as little injurious to the forest as possible; but it is to be feared that for a long time to come the cultivator will continue to look on the forest subordinates as his natural enemies. In this case, as in some others which we have come across, it is

the function of officers of the revenue administration to stand between the two parties and where necessary interpret each to the other, and in order to do this it is important for them to realise the value of the forests to the country, and the essential conditions of their maintenance.

Reverting to the question of cattle, the amount that the forests can do towards increasing the supply either of animals or of fodder may easily be exaggerated. Most of the forests are in the Himalayas, where cattle from the plains cannot graze; while the submontane forests are often terribly unhealthy, and between disease and the ravages of carnivorous animals<sup>1</sup> cattle sent to them die off rapidly. These submontane forests can yield a large supply of hay, but they are so unhealthy at the time the hay should be cut that the business cannot be developed in ordinary years, and it is only in seasons of acute scarcity of fodder that their resources can be utilised. The forests of Bundelkhand are from this point of view of greater value, and there is some hope of the development of a regular trade in hay which they can supply to some of the larger cities of the province and thereby reduce the pressure on

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<sup>1</sup> There is no general game law in force in the provinces, and in the agricultural tracts what game exists is practically at the disposal of any one who is licensed to use weapons. In the forests however the permission of a Forest Officer has usually to be obtained before a sporting expedition is undertaken: without this restriction the risks of forest-fires would be greatly increased. At the same time there is occasionally a tendency to regard the forests as preserves, and there has in the past been considerable friction between a few officers of the department and sportsmen outside its ranks. From the purely agricultural point of view, admitting that the extermination of all predatory animals from the forests is impossible, the object should be to preserve a fair balance among different species; if for instance tigers were exterminated, deer would probably increase to an extent that would make agriculture impossible in the neighbourhood, while if deer and other herbivora were exterminated the carnivora would come to the villages to get their food, and the cattle if not the inhabitants would inevitably suffer.

local stocks; but taking the broadest view, the conclusion appears to be inevitable that agricultural practices must be so ordered as to supply the fodder that is required without placing much reliance on outside sources.

### XXX.—IMPROVEMENT OF AGRICULTURAL CONDITIONS : C—OTHER CONDITIONS.

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We have dealt in the two preceding sections with the most obvious needs of the cultivator, water and cattle; in the present section we shall notice more briefly his needs in respect to implements, seed and manure; and we shall then pass on to consider the most important problem of all—the supply of agricultural capital.

The existing organisation of agriculture dates from a time when labour was very cheap, and any but the simplest implement was unprocurable, and at the present time all work is done by hand or cattle-power with the aid of a very few locally-made implements, which are in themselves well suited to serve their objects but which usually involve an amount of human effort and of human time which could be greatly reduced by more efficient substitutes. So long as wages remained at a very low figure, and many landholders could count on almost gratuitous service from the lower castes in the village, there was no particular object in effecting a change, but the rise in wages threatens to be the dominant economic feature of the immediate future, and a demand is already arising for various kinds of labour-saving machinery. The selection or design of the most suitable types and the organisation for their supply are both highly technical matters, and are among the functions of the Agricultural Department; in this case once again the business of officers of the revenue administration will be mainly to bring to the notice of the special department the localities where any demand for implements is found to exist or where cultivators are complaining of the scarcity and dearness of labour, and also

to facilitate the supply of capital to meet the cost of implements or machines. The subject is however new and unfamiliar, and it may conveniently be illustrated here by a few remarks as to the nature of the demand.

The main feature of the local plough is that it can be used to produce an almost perfect tillage, with assistance from no other implement except the broad beam which is used for levelling the land. Its defect is that it takes a very great deal of time. The operation of ploughing is slow and has to be repeated again and again, while its success is dependent on its application at the right time. It often happens therefore that tillage is imperfectly done for want of time. An equally good result can be produced in much less time if the preliminary work is done by an iron plough, but no implement of this sort can be recommended to the cultivator who can only afford one plough, because it cannot be used for the later stages of cultivation: on the other hand, a cultivator who can afford three or four ploughs will find it greatly to his advantage to keep one iron plough among them, since he will be able by its aid to get through more tillage in the time available. A man with a larger holding, say one working eight ploughs, will in turn find it pay him better to keep a few iron ploughs and one or more cultivating implements, since he will thereby economise greatly in cattle-power and in his wages bill; while lastly the few landholders who cultivate some hundreds of acres may find that a steam or motor installation is the best for them.

Pumps are another class of implement for which a demand is arising, whether to replace the present systems of raising water in small quantities from wells and canals, or to utilise the streams and lakes of the country by operations on a larger scale. Here, as with ploughs, the question of the best implement for any particular holding is highly technical, and few officers outside the technical department can have the knowledge that would justify them in making recommendations.

Yet another illustration may be taken from the sugar-industry. The indigenous processes for making white sugar are in themselves remarkably effective, but they involve great waste of material and require an amount of labour that as wages rise make the finished product more and more costly, and prevent its competing with imported sugars which are produced by much cheaper processes. Should this industry decline, the loss to the agriculture of the country will be serious, and it must decline unless its processes are brought more nearly up to date ; hence revenue officers in the sugar-districts are keenly interested in having more efficient processes brought to the notice of landholders and manufacturers, but it is not for them to find out what processes are the best in the local conditions : that is the function of the special department.

There is little doubt that as time goes on a regular implement-trade will be developed, and that landholders and cultivators will learn by experience what is good and what is not. When this time comes, the State will be able to discontinue its activity and leave the supply to be governed by market-conditions. The present position is in fact transitional : a demand for new implements is springing up, but the people have not yet the experience to enable them to tell the good from the bad, while the market is not yet sufficiently large to attract large numbers of responsible producing firms. Indeed one of the great dangers that beset enterprising landholders at the present time is that of falling into the hands of irresponsible salesmen, working not to build up a market for goods of assured value, but to get rid of old stock for the highest price they can persuade an ignorant man to pay. The position of the implement-question is thus typical of large numbers of the problems that have to be faced by India at the present day. The people will solve it in time, but the time they need is long, and many costly mistakes will be made during the process : it is the interest of

the administration to do what it can to shorten the time required and to obviate as many of the mistakes as possible.

The expert cultivators of the provinces do not need to be taught the value of good seed. They appreciate it fully and take great pains to secure the best quality. But in many cases they are unable to command the capital which this course of action requires, and here once again the question of supply of capital assumes great importance. Observers from outside are apt to regard the sum of money required for the seed of a small holding as too small to make much difference ; it is small, of course, but so is the holding, and so is the margin on which the cultivator works. In times of high prices for instance it may cost five or six rupees to seed an acre of wheat, and the cultivator of a five-acre holding may not be able to command this amount, which represents his income for something like a month. He has therefore either to use the inferior seed which he can get cheaper, or to sow a less costly and less remunerative crop, and in either case the land is less productive than it ought to be.<sup>1</sup> Perhaps among all the opportunities for profitable employment of capital in agriculture, there is none that would give so large a return as the provision of sound seed.

Apart from the supply of sound seed, it is of the greatest importance that the cultivator should have an opportunity of obtaining the seed of crops, or varieties of crops, that are not produced in his neighbourhood but might be grown there at a profit, and of commanding information regarding possible new

<sup>1</sup> The most fascinating, and most treacherous, feature of Indian economics arises from the insignificance of most of the units of production, and the startling results obtained when these units are accumulated into their aggregates. The individual cultivator's requirements for seed could almost be met by an Indian undergraduate out of his pocket-money, yet the wheat crop alone of the provinces requires seed worth about  $1\frac{1}{2}$  millions sterling in ordinary times.

ventures and the way to treat new crops. The conservatism of the cultivator has been greatly exaggerated. In our experience, enterprising men can be found in most localities to try anything that is really promising, and the exaggeration has arisen partly from the cultivator's distrust of amateur advice and partly from his inability to experiment on a large scale for himself; he works on too small a margin to leave room for experiment. In a country of small cultivators where the State is interested in the success of agriculture, it is obviously for the State to make experiments, let the cultivators know the results, and help them to reproduce its successes; and this formula covers most of the functions of the Agricultural Department in regard not to seed only but to all the processes and materials of agriculture. It is not work in which the revenue administration can take a large direct share, requiring as it does considerable technical knowledge and skill; but revenue officers can help materially by keeping in touch with the results of technical work and interpreting them to the people.

Questions connected with the manure-supply stand on a different footing. There is a very wide scope for the employment of certain minerals as manure, but they do not exist in the province, and transport by rail of such bulky material is prohibitive when the distances are considered.<sup>1</sup> Bones, again, which are available in quantities, require treatment with sulphuric acid to render them useful to ordinary crops, and the cost of the acid is at present prohibitive. The social customs of the people are incompatible with the most effective

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<sup>1</sup> To give one instance, large areas of the barren land of the provinces could almost certainly be made productive by the use of gypsum, but the cost of bringing this substance from the nearest known source is so great that a landholder will be wise to buy fertile land ready-made rather than to spend money on making it by this process. The centre of the provinces could receive no greater boon than the discovery of large and accessible deposits of gypsum.

utilisation of the natural manure of a closely populated country, while the use of cattle-manure for fuel deprives the land of most valuable material. All students have recognised that the most important contribution that could be made to the manure-supply would be the development of alternative sources of fuel, but it needs only a slight acquaintance with the social and economic life of the country to appreciate the difficulties that stand in the way. Probably the problem is beyond the reach of direct solution, but will be worked out gradually as the country progresses<sup>1</sup>: much good would result to the surrounding country if even a few of the larger cities should take gradually to coal, coke, gas, oil, or any other form of fuel, and so ease the demand for cow-dung, but such a change in social customs is a matter for the leaders of the people rather than for the State. Directly, then, the administration cannot do much to help the people in this matter; cheap wood from the forests, and low freights for coal and oil, indicate the kind of action that may contribute to the solution, but the solution itself must be mainly the work of the people.

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<sup>1</sup> This fuel question is an excellent example of the numerous Indian problems which look hopelessly insoluble when considered from the statical point of view but which *solvuntur ambulando*; readers who are inclined to doubt the possibility of so radical a change may be reminded that in the seventeenth century the wholesale use of cow-dung for fuel was described as the greatest hindrance to the success of agriculture in Leicestershire.

## XXXI.—AGRICULTURAL CAPITAL.

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This very summary review of the factors of agricultural production shows that State action is indicated along two main lines, the provision of expert departments to deal with technical questions, and the organisation of the supply of capital. This question of capital is so fundamental that it is desirable that all revenue officers should have a clear idea of the present position. In the first place it should be recognised that the country is only gradually coming on to a cash basis: rents are still in places paid in kind; the payment of wages in grain was recently almost universal and is still common; salt and other necessaries are still occasionally obtained by barter; and speaking more generally, the rupee as a coin had until recently in the country some value as a rarity in addition to what it was worth in the great commerce of the cities. Now capital does not necessarily involve the general use of coins, but there can be no doubt that their use facilitates both its accumulation and its transferability; and in this sense there has hardly been time for the people to get accustomed to capital as a growing and mobile factor of production. In the second place, the idea of investing capital is still strange: the political conditions until quite recent times did not favour investment, for any one who had saved a little was anxious only to conceal the fact that he was worth plundering, and it takes time for the habit of investment to grow up among people trained by experience to hoard. At the present time there is no doubt that the amount of money lying unproductive in hoards is in the aggregate enormous though large hoards are probably rare: and it is equally certain that saving is proceeding year by year, mostly in small items it is true, but making a very substantial aggregate.

The country then is not poor in potential capital, but habit and slowly-dying traditions keep the potential capital idle, and the amount that comes out for profitable employment is very small when compared either with the potential resources or with the needs of producers. The rate of interest is therefore necessarily high.

In the case of agriculture, the cultivator who has not enough working capital has as a rule to turn to the village money-lender for seed, for the price of cattle, for money or grain to pay wages, and often for household expenses while the crops are ripening. The money-lenders have been abused, and no doubt their transactions are not always straight-forward and the interest they charge is enormous: but their services are absolutely indispensable in existing conditions, for if they were wiped out the crops could not be sown; they are probably nothing like so bad as the money-lenders in considerable areas of Europe; and it must be remembered that most of them work with very small capital and take great risks. But for the present argument, their ethical position is irrelevant; the undoubted facts are first that they supply capital without which agriculture could not be carried on; but secondly that they supply it at a price which cripples the industry and makes many improvements and developments financially impossible however desirable in themselves. The greatest need of the cultivator at the present time is undoubtedly for more and cheaper capital, for discussion of every conceivable form of improvement is invariably brought up short by the rate of interest that will have to be paid. If then the State is to concern itself at all in the prosperity of agriculture, it must face this obstacle which limits progress in every direction at once.

The past history of the country has familiarised the people with the idea of State action along two main lines—restrictions on the rate of interest, and State loans. The direct limitation of the rate of interest by penal provisions is not likely to

commend itself to the legislature : the ineffectiveness of usury laws is a commonplace of political thought, and on the economic side such a measure could only be described as irrelevant because it could not possibly increase, and might not improbably diminish, the supply of capital, the deficiency of which is the central point of the whole question. It is quite possible that scope may exist for some legislation dealing with the business of money-lending, something to educate debtors and creditors alike in the advantages of straight-forward book-keeping, and it is also possible that the courts might with advantage be given larger powers of dealing equitably with manifestly burthensome transactions ; but it is not likely that any legislation of this kind can materially reduce the rate of interest charged for capital applied to agricultural production.

The second line of action, the grant of State loans, is at least as old as Akbar's time, since it is enjoined in the Ain-i-Akbari, and it has been systematised during the last generation until under the name of takavi it covers a not inconsiderable portion of the ground. Its economic justification lies in the fact that it does tend to increase the amount of capital applied to agriculture : the village money-lenders work largely on their own resources, so much so that the capital of the country may almost be described as existing in a series of water-tight compartments, and that portion of the capital which is handled by the banks and trading firms has practically no access to agriculture ; that is to say, there are no recognised channels by which it can flow in the direction where it is most required. When therefore the State raises a loan from the banking and trading community and lends the proceeds to agriculturists, it does in fact open up a new channel by which capital can flow into the industry : but the conditions of the money-market impose very well-defined limits on the amount of capital that can be transferred in this way, and the amount is almost insignificant when compared with the needs.

In practice, State loans are of two classes. The first consists of loans repayable in short terms for agricultural purposes, such as the purchase of seed or cattle; the second covers larger loans for the improvement of land, usually by the construction of wells or other works for increasing the water-supply. The money is as a rule lent at  $6\frac{1}{4}$  per cent, so that there is a fair margin over the cost (something less than 4 per cent) at which the State borrows; this margin has to be accounted for by the Board of Revenue, and that portion of it which is not set off against bad debts is expected to be applied for the benefit of the people in other ways, *e.g.*, the expenditure incurred on trial-boring for wells is taken into account against this surplus. The loans are authorised by the sub-divisional officer or the tahsildar, according to their amount, and are collected by instalments at the harvest seasons, and continuous efforts have been made to simplify and popularise the system; but it is still broadly speaking true that the loans are unpopular with the people whom they are designed to benefit.

There are obvious reasons for this. The State cannot know the credit of each individual borrower, and must enquire into his circumstances and into the value of the security offered before the loan is granted. A local money-lender has all the necessary facts in his head. Again, State methods of collecting debts are necessarily systematised: even a tahsildar cannot know how each individual debtor is getting on, but must judge from the condition of the harvest whether debtors in general can be expected to pay up; and the individual would prefer individual treatment. It is too a tradition of the country that every man who receives money from the State shall leave some of it with the State officials, and there are many claimants for a share in takavi advances, the patwari and kanungo who attest the borrower's credit, the readers and clerks who handle the case and can sometimes accelerate or delay its disposal, the accountants who write up the books, and the official who counts

out the cash. Finally, all creditors are unpopular with all debtors, and when the State becomes a creditor it has to assume the burthen of the position.

The popularity of these loans is naturally affected by the attention given to the details of their administration. It increases rapidly when a Collector keeps his eye on the matter, and sees that loans are given promptly, that things are made easy for the *bond-fide* borrower, and that the work of collection is made as little burthensome as possible. The system is seen at its best when a famine is impending : then the sub-divisional officer carries the cash into the villages, finds out summarily what the cultivators need for seed, cattle and labour, and advances it on the spot on the security of their joint credit. It is seen at its worst when a cultivator who wants a loan to make a well is sent from office to office, feeing a clerk in each, and at last gets his loan too late to be of any use.

There is little doubt that the productivity of the country could be greatly increased by the more extended grant of takavi, but the limitations of the system must not be overlooked. The money-market will not take up more than a certain amount of State loans in a given time ; the resources of the State as a distributing and collecting agency though great are not unlimited ; and there is a certain amount of political risk in undertaking all the unpopularity of a universal creditor. It is not therefore to be expected that the progress and development of the agriculture of the province can be financed exclusively or mainly by the State : ultimately the system should be regarded as a supplement to other financing agencies, filling the gaps between them, and regulating them by its mere existence as a possible alternative ; while in the present transitional stage it can serve the most important function of educating the people in the possibility of the profitable use of capital, thus pioneering the way for the alternative agencies which the country requires.

Leaving the State out of consideration, the agencies that

are theoretically possible are the existing banks, specialised agricultural banks, and co-operative societies. The banks managed on European lines have not, and it seems impossible for them to acquire, the detailed knowledge of individuals that would enable them to lend money to cultivators at a profit. There is a minimum limit to the size of loans on which these banks can work, and the profit accruing from accounts such as cultivators would keep would be wholly inadequate to pay for the special staff that would be required for their supervision. In some other countries, considerable success has been achieved by agricultural banks, dealing only with cultivators and specialising in their needs, and there is no apparent reason why organisations of this kind, managed by strong boards of directors with adequate knowledge of the tract in which their operations are carried on, should not work at a profit, provided they could raise the necessary capital. But the provinces are, it is to be feared, not yet in a position to produce such organisations except by very slow degrees ; the middle classes are as yet unaccustomed to the practice of investing their savings in public companies, and the upper classes are unfamiliar with the position and duties of a director. A long period of gradual growth is probably necessary, with not a few failures and disappointments, while the country is not in a position to wait so long. The third possible course, the organisation of the people themselves in co-operative societies, will be dealt with in the following section.

## XXXII.—CO-OPERATIVE CREDIT.

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The idea of co-operation is simple. The phrase means merely that a number of persons having interests in common unite to work together for those interests, and thus secure the benefits of united action. In agriculture, the experience of a large part of the world shows that there is scope for co-operation in many directions. Thus farmers may pool their wheat, or eggs, or other produce, and have enough to sell wholesale and secure for themselves the profits that formerly went to one or more middlemen : or they may combine to buy seed, manure, or other requisites wholesale, and thus again save middlemen's profits and ensure good quality in their supplies ; but the existing circumstances of the province suggest that just now cultivators can best combine to get cheaper capital, and we shall confine this section to a discussion of co-operative credit societies.

It has been said above that money-lenders incur very great risks. They do not as a rule lend to people who they think do not mean to pay ; in other words, their debtors have good *personal credit*, which simply means that they are expected to pay if they can ; but the cultivator of a small holding may be ruined at any time by some accident of season or health, and any one (whether a village money-lender or a large financial institution) who lends money to an individual cultivator must either require good collateral security or charge a high price to cover the risk of loss. Now the cultivator has practically no collateral security to offer : in some cases he may pledge some silver ornaments, or the trees of a grove, or his occupancy rights (though in this case the pledge has little legal value), but as a rule he has to pay in extra interest for the risk that

he may be unable to repay the capital. If however ten cultivators agree to be jointly and severally responsible for the debts of each of them, the element of risk in each case is greatly reduced, because it is highly improbable that many of the group will fail, and the successful members will pay for the failures ; and the risk on each individual loan diminishes with the number of separate guarantors, so that the charge for it can safely be reduced. Now a co-operative credit society is essentially a group of cultivators voluntarily associated, and therefore believing in each other's honesty, to borrow money on the joint and several guarantees of all for the needs of the individual members. The first and obvious advantage of such a society is that the legitimate charge for risk will be very much less than if the money were lent to the individuals as separate entities ; they can therefore ask for lower interest on the loans they take. A second advantage is that they can do much of the money-lender's work : this is not important in the case of the village money-lender, but such a society can deal with a financial institution, and if its corporate credit is good, there will be little need for the lending institution to examine the credit of its individual members. In this way a society may gain access to sources of capital that are beyond the reach of individual cultivators. Thirdly, a society may be able to borrow (that is, receive deposits from) its wealthier members or from neighbours who will trust it, and thus bring into activity capital that would probably otherwise be hoarded in unproductive form ; and its existence may (experience shows that it does) stimulate its members to accumulate small savings and thus create capital from what would otherwise be wasted. Finally, the mere fact of working together does, as a matter of fact, increase the productive energies of the members, widens their views, and facilitates enterprise.

The interest of the State in such societies lies then in the fact that they make for increased agricultural production in

general, and in particular that they facilitate the application of capital to the land ; and its aim has been first to familiarise the people with the idea, then to see that societies are founded on the right lines and that their accounts are properly kept, and thirdly, to assist in the opening up of fresh channels of capital on which these societies can draw. With this object the latest born of the productive departments, that of the Registrar of Co-operative Credit Societies, was called into existence a few years ago, and though the movement is still in the initial stage, enough has been learnt to show that many classes of cultivators can and will club their credit, and that new channels of capital can be made accessible to them ; in other words, that the existing supply of agricultural capital can by this means be largely increased.

In this case, as in the case of other productive departments, the revenue administration is not greatly concerned with the detailed operations of organising societies or auditing their accounts, but the countenance and assistance of revenue officers is equally required. Perhaps at the present time the Registrar is even more dependent on such countenance and assistance than are the other departments, and this for the reason that one of the first results of co-operative action is the development of self-consciousness among the co-operators : legitimate pride in their new activities forms a powerful incentive to continued effort, and it is a great thing for a group of cultivators to find the Collector, their Government, taking a personal interest in their concerns. It is well therefore that all revenue officers should be familiar with the lines on which action is being taken.

The first essential of a rural credit society is that the members should trust each other : they must join voluntarily and new members must be chosen by the old. This condition limits the size of individual societies, and also indicates the nature of its constitution, as the members must above all things

be personally known to each other ; in practice the society should be confined to a single village.

Once the group is formed, it has to borrow money to start work, since it is only very rarely that the deposits of members will give sufficient working capital at the start : and at the outset of the movement it was freely predicted that no lenders would be found. The solution of the problem appears to have been found in the organisation of district or central banks with the sole or at least primary object of financing village societies. These banks are founded on a share basis, and the present policy is for most of the ordinary shares to be held by the village societies, so that the control of the bank will ultimately rest with them ; funds are raised by the issue of debentures or preference shares and by the receipt of deposits, the bulk of the money in either case coming from the locality and consisting of savings that would otherwise probably have been hoarded. These banks therefore perform the function of 'creating' fresh capital for use in agriculture, and consequently attack the rate of interest along the only lines that promise permanent results, since the rate is determined by the relation between the demand and supply of capital ; and the capital so raised is lent to the village societies according to their needs at rates which, with good management, enable the bank to pay a fair dividend and accumulate a satisfactory reserve.

One of the main sources of loss in all banking operations is the periodical idleness of capital, and this is particularly serious in the case of banks which deal with agriculturists, who all borrow, and all pay, at the same time, borrowing for cultivation and paying from the proceeds of the harvest. The village societies therefore require very elastic terms from their central bank, so that they can repay to it any capital they do not require at the moment ; and as most village societies will want money at the same time, the central bank feels this difficulty acutely, having large sums lying idle for two or three months in

the year. The most obvious remedy is the linking-up of the central banks with the joint-stock banks transacting general business; in some cases they have already been able to obtain a cash-credit from the larger institutions, by the aid of which they have been able to regulate their funds to meet their needs; and if this method of business is found satisfactory, it will mean the opening up of a new channel by which the general capital of the country can be applied directly to productive agriculture, another attack on the causes of the high rates of interest that agriculturists have to pay.

There are numerous points of interest and complexity in connection with the working of this new financial system over which we must not linger. It is still, as we have said, in the initial stage, and it is not to be expected that even in its ultimate development it will provide every agriculturist with all the capital that he needs. But it does promise that eventually a large proportion of the most skilful cultivators will command adequate capital on reasonable terms, and that to an increasing extent this capital will be the result of their own savings, a position which would mean nothing short of a revolution in the conditions of agricultural production. It would probably mean more even than this, for the extent of its possible influence on the social and political development of the people is incalculable though the direction of the influence must be for the general good: but these are matters which lie beyond the scope of an introduction to the revenue administration.

### XXXIII.—THE REVENUE ADMINISTRATION AND THE PRODUCTIVE DEPARTMENTS.

We have now seen that the policy of agricultural development adopted by the revenue administration is being worked out through special departments, each concerned primarily with technical activities, and staffed to a large extent from outside the limits of the older Government services.<sup>1</sup> Before leaving the subject, a few words may be said on the problems which this specialisation of departments introduces into the administration, and which are usually labelled "departmentalism." It is one of the best traditions of the revenue administration that its officers have aimed at the good of the people as a whole and have worked for this aim on the basis of laboriously acquired knowledge of the people's ways of thinking and living. The same qualities cannot be counted on, though they may often be found, among officers recruited for special technical abilities, whose ideals will ordinarily lie rather in the directions of technical efficiency and professional reputation. There is thus a danger of a conflict of attitude between the revenue administration on the one hand and the officers of what we have called the productive departments on the other; and indeed the danger is wider than this, extending to all the departments of State action that are staffed by experts. Revenue officers may fail to appreciate the aims of technical men, and technical officers may equally fail to appreciate the conditions imposed on their work by the ways of the people for whose

<sup>1</sup> The newest department, that of Co-operative Credit, is at present staffed wholly from the revenue services, but it can scarcely be doubted that as time goes on it will have to depend more and more on specialists in banking and accountancy for the proper conduct of its functions.

benefit it is performed ; the reality of the risk in each case will not be contested by any regular student of departmental administration reports ; and the field of its existence must widen as the process of specialisation continues. There is of course no universal prophylactic : the position calls for a good deal of quiet, continuous effort on both sides, and it is referred to here mainly in order that young officers may from the start appreciate its difficulty. The time is still distant when the social conditions of the country will enable departmental officers to have the facilities of access to the people who count that are open to the revenue staff ; and while existing social conditions continue, the only security against waste of effort and unfruitfulness must lie in cordial co-operation between the two parties, founded on a due appreciation by each of the other. Official controversies tend to be so persistent that there is a risk in illustrating these remarks from recent history ; but perhaps the point may be elucidated by a hypothetical case. Let us suppose that engineering and economic conditions should render it important to have a quick road-service for the transport of agricultural produce in small lots, and that a new road-transport department is staffed by traffic experts trained in other countries. Their aim will naturally be to give the best and most economical service, and incidentally to have their results appreciated in their profession ; and if left to themselves they would soon be hopelessly at logger-heads with the cultivators along their route in matters such as methods of packing, certainty of consignments and the like, which are of the essence of an economical service. Such a department would require some organisation to bring the cultivators and traffic experts together and interpret each to the other, until the cultivators on the one side should adapt themselves to the most important requirements of the experts, and the experts on the other hand should modify their requirements to meet the special conditions of the local industry. Broadly speaking, the revenue administration

has to act in this way as intermediary between the productive departments and agriculturists, to interpret each to the other and to bring them together. And to do this, the revenue officer has to understand and appreciate the attitude of both parties: his training and experience usually enable him to do this adequately so far as the cultivator is concerned: and the recent developments of policy require that for the future he must equally strive to understand and appreciate the work of the productive departments.